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PAPERS

RELATING TO

WILLIAM, FIRST EARL OF GOWRIE,

AND

PATRICK RUTHVEN,

HIS FIFTH AND LAST SURVIVING SON.

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PAPERS

RELATING TO

WILLIAM, FIRST EARL OF GOWRIE,

AND

PATRICK RUTHVEN,

HIS FIFTH AND LAST SURVIVING SON.

(J. Bruce)

PRIVATE IMPRESSION.

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PREFACE.

When Colonel Cowell Stepney recently applied to me for a consent to his reprinting the two following papers, which I contributed to the Transactions of the Society of Antiquaries in the years 1849 and 1851, it was with much pleasure that I gave an instant acquiescence. Indeed, with reference to the latter paper, it ought to be regarded almost as much his property as it is mine, for it was mainly built upon materials which he himself collected, and placed in my hands for use.

The incident with which these papers are connected, and which gives them any little interest they may possess, is that mysterious circumstance which passes under the name of the Gowrie Conspiracy. It is unquestionably a very curious subject of discussion, and especially so on account of the difficulty of reconciling the facts really known with any of the theories which have been invented to account for them. Presume it, as I do, to have been a treasonable design against King James, and it must be admitted that nothing in the annals of conspiracy, fertile as they are in folly as well as in crime, was ever more puerile in design or more weakly carried out. Suppose it, on the other hand, as Colonel Stepney does, to have been a conspiracy *of* the king, and not *against* him, and one is instantly startled at the extreme im-

probability that a man of James's timid nature, if he had wished to get rid of the Ruthvens, would have adopted a course which must necessarily expose himself to a very great amount of personal danger.

If we add to such considerations, the discrepancies which are to be found in the accounts of the several actors, discrepancies which might easily be the result of hurry and confusion, but which are thought by many persons to be conclusive marks of fraud,—it may be seen how naturally inquirers, in despair of finding the truth by an examination of the facts, might seek to deduce it from their own impressions of the characters of the persons concerned. But neither in this way has anything like certainty or unanimity been arrived at. Some persons, full of strong prejudices against the weak and poor-spirited monarch, find crime in almost everything he did. To such investigators nothing is too odious or too wicked for King James to have been guilty of, and the Gowrie conspiracy was simply one of his many abominable misdeeds. Others, again, misled by the gross flattery of which this particular sovereign was the especial subject, repel the supposition that a man who possessed an intellectual *acumen* which has been the theme of such exalted praise, and who under certain circumstances exhibited much open-hearted kindliness of disposition, could have been guilty of the egregious folly and wickedness of having deliberately planned the murder of the Ruthvens.

This mode of judging from character has prevailed in reference to the Gowrie conspiracy from the very first. The good opinion entertained of the young Earl of Gowrie swayed the belief of a large party of his contemporaries in his favour. They doubted the accuracy of the King's story, because it told against the Earl; and could not bring themselves to admit the possibility of the guilt of one whom they looked up to as the rising hope of the Protestant party in Scotland. Thus it is

that the very strangeness and ambiguity of the facts have deterred people from their scrupulous examination, and driven them to a judgment upon grounds which are really entirely beside the real question. The eloquent English historian who is now rapidly approaching the period of this mysterious incident, will, doubtless, apply his peculiar powers of historical investigation to the solution of the question upon other principles.

In the papers now reprinted I have not treated directly of the conspiracy itself. In the first of them, I sought to find a cause for the presumed conduct of the Ruthvens on the fatal 5th August, 1600, the day on which the conspiracy exploded, in the circumstances under which their father was put to death in 1584. In the second, I pursued the fortunes of some of the ruined family after the event of 1600, and treated especially of incidents in the life of that particular member of it from whom Colonel Stepney traces his descent,—Patrick, the fifth son of the Earl executed in 1584. Standing thus, on each side of the momentous transaction which could alone give these papers any importance, and yet not dealing with that transaction itself,—the papers when brought together in the following pages have an air of incompleteness, which they had not when originally printed in two separate volumes of the 'Archæologia;' but it must be borne in mind that they were not intended to deal with the whole subject, nor to have any other connection, than that which necessarily results from their relation to different parts of this melancholy history.

Another kind of incompletness in these papers is that which belongs to all minute historical inquiries, and more especially to those founded upon documentary evidence. In one sense, such papers can never be made complete. The wrecks which Time has left us are so numerous, and are scattered about in so many different places, that it is almost impossible for any

inquirer ever to get together all that relates to his subject. After he has exhausted the information which is accessible to himself, all that has been brought to light by his own "diggings" in the historical mine,—new facts are certain, sooner or later, in the Micawber phrase, to "turn up;" facts which very often modify, complete, or contradict, what has been already stated.

Some such facts, which have "turned up" since 1851, in relation to Patrick Ruthven and his descendants, have been thrown, together with some other papers which it is deemed useful to preserve, into what has been termed a Supplement to the present little volume.

At the close of my paper of 1851 it is stated that nothing was known of Patrick Ruthven, the brother of Lady Vandyke, who, in 1656 took out letters of administration to his father, the Patrick Ruthven who was so long a prisoner in the Tower. The words were scarcely published, when I found traces (which I had missed before on account of a misprint in the Index to Whitelocke's 'Memorials') of this junior Patrick Ruthven having petitioned the Protector Cromwell for some pecuniary relief. Some years afterwards, a copy of the very petition presented by him was brought to light among a collection of papers of the Marquis of Bath, who permitted it to be printed in 'Notes and Queries.' This petition forms Article V. in the Supplement now published. It will be seen in Article VI., that it has also been discovered that the same Patrick Ruthven was born about 1628, that in 1656 he lived in St. Martin's-in-the-Fields, and in 1667 in the Little Almonry, Westminster, and was twice married—in 1656, to Sarah Head, and eleven years afterwards, as a widower, to "Jane McDonell, of Ross, in Scotland." Other facts respecting him will probably fall in the way of some subsequent inquirer.

In the Supplement will also be found a copy of a Letter of

Gustavus Adolphus, a letter and another paper of Patrick Ruthven of the Tower, a Note on the Descent of the Earldom of Gowrie, contributed by Sir Charles George Young, Garter, an English Abstract of the deed of 28th February, 1583, and a Note on a Relic from Ruthven Castle, by Colonel Cowell Stepney, in the latter of which he has briefly stated his views of the circumstances which brought down ruin upon the House of Ruthven.

It may finally be remarked, that these papers have also the peculiar degree of incompleteness which belonged to all historical inquiries written at that particular period, on account of the restrictions which prevented access to what we were even then accustomed to call our Public Archives. At that time the State Papers were in the custody of jealous guardians, who gave admission only to particular individuals and as a personal or official favour; the Public Records were practically inaccessible by reason of fees; and the Prerogative Office was contemptuously closed against all literary inquiry. Some remarks were made upon this subject at the close of the second of the following papers, and it is not to be doubted that it operated very prejudicially against both of them. Among the State Papers is another copy of the Paper No. I., printed at p. 25, which was sent by Davison, then the English Ambassador in Scotland, to the Government of Queen Elizabeth, besides a very valuable contemporary correspondence from Edinburgh, of which I should gladly have availed myself, if it had then been accessible. It would have enabled me to treat the subject in a more comprehensive way than I was induced to do by the materials then before me.

Fortunately for those who come after us, these old restrictions are now entirely at an end. The State Papers and the Public Records have been thrown open to all inquirers, without restriction and without fee, and the Prerogative Office

lives only in the memories of those who derived wealth from its extortions, or suffered inconvenience from its narrow-mindedness.

It would be unjust, when alluding to these changes, not to commemorate the fact that they have all been brought about by the clear-sighted liberality of the present Master of the Rolls. True to the traditions of his name, when the first movement on the subject was set on foot by the Camden Society, he instantly admitted the reasonableness of what was desired, and gave literary persons such accommodation as was then in his power. From that time he has gone on enlarging the facilities for investigation, until at length he has established in the office under his immediate control, a freedom of inquiry absolutely unlimited, and extended to all persons whomsoever. The precedent set by Lord Romilly has been followed more or less completely in a variety of quarters, and will no doubt ultimately become the universal rule. To him be the honour!

J. B.

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OBSERVATIONS ON THE TRIAL AND DEATH OF WILLIAM, EARL OF GOWRIE, A.D. 1584, AND ON THEIR CONNECTION WITH THE GOWRIE CONSPIRACY, A.D. 1600.

BY JOHN BRUCE, ESQ., F.S.A.

In King James's singular narrative of the Gowrie Conspiracy, his Majesty states, that Alexander Ruthven, younger brother of John, Earl of Gowrie, having conducted him into a chamber of Gowrie House, which the King calls "a little studie," suddenly "locked too the studie doore behinde him," and at that instant, changing his countenance, put his hat on his head, and drew a dagger from the girdle of Andrew Henderson, a servant of the Ruthvens, who had been previously stationed in the little study, clad in armour, to await his Majesty's coming. His Majesty goes on to relate, that young Ruthven held the point of Henderson's dagger to the king's breast, declaring that he "behoved to be in his will, and to be used as he list." The King adds, "that Ruthven swore many bloody oaths that if the king cried one word, or opened a window to look out, that dagger should presently go to his heart." He then adds, and it is the first word which seems to have been uttered in explanation of the cause of this singular outrage, that Alexander Ruthven affirmed "that he was sure that now the King's conscience was burthened for the murthering of his father." The King replied (according to his own account) with singular coolness and self-possession. He "begun to dilate" (these are the words of his narrative)

"how horrible a thing it was for his assailant to meddle with his Majesty's innocent blood, assuring him it would not be left unrevenged, since God had given him children and good subjects, and if there [were] neither, God would raise up stocks and stones to punish so vile a deed." After this oration upon regicide, which, considering the character of the King, and the circumstances of tremendous personal peril in which he was suddenly placed, is not very likely to have been uttered exactly in the way stated, the King proceeded to notice the allusion which had been made by Alexander Ruthven to the death of his father, "protesting before God," his Majesty says, "that he had no burthen on his conscience" on that account, "both in respect that, at the time of his father's execution, his Majesty was but a minor of age, and guided at that time by a faction which overruled both his Majesty and the rest of the country; as also, that whatsoever was done to his father, it was done by the ordinary course of law and justice."[1]

This is the King's account. Mr. Tytler has stated the transaction in his 'History of Scotland,' with far more dramatic effect, as follows:—

"At last they," that is, the King and Alexander Ruthven, "entered the small round room already mentioned" (that is, the turret-chamber which the King calls "a little study"). "On the wall hung a picture with a curtain before it; beside it stood a man in armour; and as the king started back in alarm, Ruthven locked the door, put on his hat, drew the dagger from the side of the armed man, and, tearing the curtain from the picture, showed the well-known features of the Earl of Gowrie, his father. 'Whose face is that?' said he, advancing the dagger with one hand to the king's breast, and pointing with the other to the picture. 'Who murdered my father? Is not thy conscience burdened with his innocent

[1] The Earle of Gowrie's conspiracie against the King's Maiestie of Scotland. At Saint Johnstoun, vpon Tuesday, the fift of August, 1600. 4to. Lond. 1600. sig. B. 3.

blood? Thou art my prisoner, and must be content to follow our will, and to be used as we list. Seek not to escape; utter but a cry,'—James was now looking at the window and beginning to speak,—'make but a motion to open the window, and this dagger is in thy heart.' The King, although alarmed by this fierce address and the suddenness of the danger, did not lose his presence of mind; and, as Henderson was evidently no willing accomplice, he took courage to remonstrate with the Master (that is, with the Master of Ruthven, Master being the Scottish designation of an heir) reminded him of the dear friendship he had borne him, and 'as for your father's death,' said he, 'I had no hand in it; it was my Council's doing; and should ye now take my life, what preferment will it bring you? Have I not both sons and daughters? You can never be king of Scotland; and I have many good subjects who will revenge my death.' "[1]

Mr. Tytler has not stated whence the distinguishing features of his narrative were derived; but I believe I shall not err in attributing them to an extract from Johnston's MS. History of Scotland, printed by Mr. Pitcairn in his valuable collection of 'Ancient Criminal Trials in Scotland.'[2] Johnston alone mentions the striking incident of the picture, and the several other circumstances in which Mr. Tytler's narrative differs from that of the king. But it is evident that Johnston's assertions are not to be literally depended upon. He strives ambitiously after effect; he occasionally puts very grandiloquent speeches into the mouths of his actors; and he could not have possessed any personal knowledge upon the subject. The King and Henderson were the only survivors of that terrible scene; and the statement of the latter, although contradictory to the King's account in many minute particulars, offers no support to the story of the picture, nor

[1] Hist. Scotland, ix. 352.

[2] Vol. ii. p. 293. Johnston's History is preserved in the library of the Faculty of Advocates in Edinburgh, and is referred to by Pitcairn in the following manner. "Jac. v. 2. 2, fol. 633 b."

indeed to any of the other incidents in which Johnston differs from the king. For these reasons, with all respect for Mr. Tytler, I am inclined to reject the picture story altogether, and to accept the narrative of the King, with such qualifications as will occur to every one who considers that it was no doubt partly written for him; and that, so far as it was strictly his own, it was the after-account of a vain, talkative person, by no means distinguished for courage or truthfulness, who found himself suddenly placed, by a wonderful escape, in a position in which he could magnify the heroism of his own conduct, without fear of contradiction.

It will be observed that both these accounts, however they differ in other respects, are in one point perfectly agreed: both put forth Alexander Ruthven's desire to revenge the alleged murder of his father, as the cause assigned by himself for his atrocious attack upon the King. The same thing is stated by Henderson in his examination. He says, that Alexander Ruthven, "having the drawn whinger in his hand," addressed the King thus:—"Sir, ye must be my prisoner! Remember on my father's death."[1] And in the letters brought to light nine years after the explosion of the conspiracy, the same object is several times distinctly alluded to. "The revenge of *that* cause" is mysteriously assigned, in the first of those letters, as the aim of the Earl of Gowrie and his friends. "Revenge for the Maschevalent [which is said to mean Machiavellian] massacring of our dearest friends," is more plainly put forth in another of them; and in a third it is distinctly stated, that "there is no one of a noble heart, or [who] carries a stomach worth a penny, but they would be glad to see a contented revenge of Grey Steil's death,"[3]—Grey Steel being a name of popular favour for William, Earl of Gowrie, derived from the romance of that name, well known in the folk-lore of Scotland.[1]

[1] Pitcairn's 'Criminal Trials,' ii. 178.

[2] These letters are printed in Pitcairn, ii. 282.

[3] 'Grey Steel' is the beautiful romance which is referred to by

This, then, is the point to which I desire to direct the attention of the Society of Antiquaries. All the evidence concurs in assigning revenge for the death of William, Earl of Gowrie, as an object alleged by the conspirators. What was there in the circumstances of his death which kept alive for sixteen years a feeling of hatred and a desire of revenge? The point has been very insufficiently investigated by historical writers, and yet it is obvious that in one respect it is the very turning-point of the Gowrie conspiracy. The earl was executed in 1584. He was tried before an ordinary tribunal, upon a charge of treason. He was found guilty by a jury of his peers, and was publicly executed in the accustomed way. In all this there was nothing to excite that intense feeling of immitigable revenge, that ferocious desire to wipe out blood with blood, which passes under the name of the deadly feud. The most celebrated instances of that description of private warfare will be found to have originated in a desire to retaliate injustice. It was not because an ancestor was put to death by the law that his descendants felt themselves either prompted by natural feeling, or urged by general opinion, to revenge his fate. Death by the law was too often but lightly regarded. It was because he was brought under the power of the law by some trick; because under the forms of law, there lay concealed some fraud, or treachery, by means of which his death was brought about with all the external appearance of legality. Now, the inquiry is,—Was there anything of that kind in the

Percy, and analysed by Ellis, under the title of 'Eger and Grime.' The Grey Steel of the romance is a doughty and all but unconquerable knight. The romance is printed in Mr. David's Laing's 'Early Metrical Tales,' 8vo, 1826. In a note at p. xix. that gentleman states, that the letters from which I have quoted above "have all the appearance of being gross fabrications." No reason is given for this statement, nor can I conjecture any. It is certainly not the opinion of Mr. Pitcairn, who discovered the original letters in the General Register Office, in Edinburgh, and printed them with great care. I have reason, also, to know that it is not the opinion of other eminent Scottish antiquaries.

instance of the death of the Earl of Gowrie? anything which could keep alive for sixteen years the bitter feeling of a deadly feud between his children and their sovereign? Some papers in the Cottonian Library give a full answer to these questions. They have been alluded to, and partly used, for the first and only time, by Mr. Tytler; but, to the best of my knowledge, they have never been published.[1] I now beg to forward transcripts of them to the Society of Antiquaries, and shall add to the information they contain some particulars partly derived from unpublished diplomatic correspondence of the period. In order that these papers may be fully understood, it will be necessary for me to go at some length into an explanatory historical detail; but the narrative will be found to bear upon the conclusions at which we are to arrive, and, although long, will not, I hope, be altogether without interest.

The earliest incident which is mentioned in the life of William, Master of Ruthven, afterwards fourth Lord Ruthven and first Earl of Gowrie, is a participation in the murder of David Rizio. His father, Patrick, the third Lord Ruthven, it will be universally remembered, was the chief actor in that barbarous tragedy. Besides the political motives which influenced all the conspirators, the Ruthvens were drawn to take part in that celebrated murder by considerations of another kind. They were among Darnley's nearest connections by affinity on his mother's side; Patrick, Lord Ruthven, having married first Janet, daughter of Archibald, Earl of Angus, who was Darnley's grandfather. Lord Ruthven was, therefore, his uncle by marriage, and William, the Master of Ruthven, was his cousin. Lord Ruthven was the

[1] Since this was written, I have found that No. 3 of the papers alluded to was printed in 1827, in vol. i. of the 'Miscellany of the Bannatyne Club,' p. 89. As the impression of the Bannatyne publications is limited to the number of the club, and the paper in question is necessary for the proper understanding of my observations, I have not thought this previous private printing of a small impression a sufficient reason for its withdrawal.

first person to whom Darnley applied to avenge him on the Italian interloper. He had suffered long from dangerous illness, he was in such a state of bodily weakness as to be unable, he says, to walk twice the length of his bedroom, but he gave a ready ear to the complaints of his injured relative. He prepared agreements and bonds to secure the performance of the bloody business with the most punctilious regularity, and was himself the first—as everybody will recollect—to enter the Queen's chamber on that dreadful night, startling her as much by the ghastliness of his sickly countenance as by the determination of his manner. For all the circumstances of that cruel action, historians have relied too much upon the representations of Mary, and too little upon those of Lord Ruthven. Even at the present day, the careful collector of Mary's letters (Prince Alexandre Labanoff) has not disdained to revive the old fable that Rizio was poniarded in the presence of the Queen. Mary, perhaps, asserted as much, but the fact is shown to have been otherwise by her own letters, and by all the other evidence upon the subject. Lord Ruthven states the matter thus: "And where her Majestie allegeth that night that Davie was slayen some held pistoletts to her majesties wombe, some stracke winniardes so neir her crage, that she felt the coldnes of the iron, with many other such like sayings, which we take God to record [he was writing on behalf of himself and all the other leaders in the enterprise] was never meant nor done, for the said Davie received never a stracke in her majesty's presence, nor was not stricken till he was at the farthest door of her Majesty's utter-chamber, as is before rehersed. Her Majestie makes all there allegances to drawe the sayde Earle Morton, Lordes Ruthven and Lyndsaye, and their complices in greater hatred with other forren princes, and with the nobilitye and comōnaltye of the realme, who hath experience of the contrarie, and knowes that there was no evell ment to her majesties bodye."[1] In another part of his narrative, Lord

[1] Caligula, B. ix. fol. 278.

Ruthven states, that some time after the murder, when the queen and her husband had passed into the utter-chamber, and Ruthven had been absent from them for a considerable time, pacifying an uproar which had arisen in another part of the palace, he returned into the Queen's presence. She was then so ignorant of what had taken place, that "she inquired what was become of Davye?" Lord Ruthven admits that he answered "that he believed he was in the King's chamber, for he thought it not good to shewe her as he deed was, for fear of putting her Majesty in greater trouble."

There were formerly two copies of Lord Ruthven's Narrative in the Cotton Library; one in Julius, probably F. VI., and the other in Caligula B. IX. The former has long disappeared. The latter, being inaccurately referred to in the index, has escaped the notice of many inquirers. Keith printed the narrative from the MS. in Julius in his 'History of the Church and State of Scotland,' 1734, fol., but with alterations and modernizations which occasionally affect the sense very materially, and which have been followed in several subsequent reprints.

Lord Ruthven's narrative leaves no reason to doubt that his dagger was one of the many by which the body of the unhappy Rizio was pierced. It is also clear, although not from his narrative, that he was attended, if not assisted, by his son, who must at that time have been very young, as he was not the eldest born of a father who was then only forty-five years of age. When the murderers of Rizio were deserted by their royal patron, Ruthven and his son fled into England. A letter communicated to the 'Archæologia' by Sir Henry Ellis in 1816,[1] proves that they were at Newcastle-upon-Tyne in the beginning of May, 1566, and there Patrick Lord Ruthven died on the 13th June following; three months after the assassination of Rizio, and six days before the birth of James VI. The circumstances of Lord Ruthven's life indicate a man of stern, determined character. His father, who was slain at Flodden,

[1] Vol. xviii. p. 271.

was one of the earliest and firmest friends of the Reformation. He followed closely in his father's footsteps. John Knox described him in 1559 as "a man of great experience and inferior to few in stoutness,"[1] and four years afterwards, when Knox was summoned before the Queen and Council, Ruthven justified the character which Knox had given of him, by being the only one of the Council who dared to say a word on behalf of the great Scottish Reformer.

The baptism of the young Prince of Scotland was signalized by the grant of a pardon to the surviving conspirators against Rizio, and within a short time afterwards William Master of Ruthven, now, by the death of his father, the fourth Lord Ruthven, returned to his native country. His subsequent course for several years may be conjectured from two circumstances—1. He was in arms against Mary at Carberry-hill, and, 2. He was one of the two Commissioners appointed, by her compulsory act of resignation, to invest her son with the kingdom. Whatever contributed to the establishment of Protestantism, to the maintenance of the young King on the throne in opposition to his mother, or to the closest alliance with England, was sure to be supported by Lord Ruthven. But he possessed none of the active energy of his father. His nature was calm, indolent, passive. None of the great public events in which he was subsequently mixed up originated with him. His course was ordinarily straightforward and consistent, but he followed the lead of men more busy and more active than himself. On the 24th June, 1571, during the short regency of Lennox, and when the King's party was fighting for existence, he was appointed treasurer of Scotland for life. It was an office strictly ministerial, but honourable in station and important in influence. On the 23rd August, 1581, Lord Ruthven was advanced to the Earldom of Gowrie. This accession of dignity was obtained at the time when the young King, having been finally emancipated from the regency of Morton, had begun to exhibit that inordinate partiality for

[1] Knox's Works, ed. Laing, ii. 6 and 406.

favourites which was the cause of so many of his subsequent troubles. His first favourite was Esmé Stewart, son of an uncle of the King's father, a young Frenchman of polished manners and amiable temper. The King heaped honours and favour upon him, but the people hated him, both as a Frenchman and as a Roman Catholic. Conjoined with Esmé Stewart, whom the King created Duke of Lennox, and almost as much distinguished in the King's regard, was James Stewart, Earl of Arran. No two men were ever more dissimilar. Lennox was kind, amiable, and placable, sensitive to popular opinion, and free from glaring moral defects. Born and educated in France, his manners were marked by the elegance and affability which have ever distinguished that courteous nation; generous and affectionate himself, he strove, as much from feeling as from policy, to bring about some arrangement for the release of the unhappy Mary, and for the relief of his Roman Catholic brethren from the persecution under which they were suffering. Arran was in almost every respect the opposite of his coadjutor in power. History can point to few men so daringly unobservant of all the customary restraints of public or private life,—in manners imperious, overbearing, insolent, to a degree that would be incredible, but for the concurrent testimony of contemporaries of all sects and parties. Everything he possessed was acquired by open and daring wrong. Received as a friend by the King's uncle-in-law, the Earl of March, Arran corrupted the wife of his host, and induced her, when far gone with child, to petition for a divorce, for a reason which, as Robertson declares, no modest woman will ever plead. The judges, corrupted and overawed, set a precedent for the similar case which afterwards occurred in England to another of James's favourites, by pronouncing the desired sentence, and public decency was outraged, as in the English case, by a pompous marriage, which the sober people of Scotland beheld with horror. Arran's rise to power was upon the neck of Morton, whom he prosecuted in person with the bitterest rancour. His acquirement of his title was equally

scandalous. He was appointed tutor, or as it is termed in English law "committee," of the Earl of Arran, who had become lunatic. Being, in that capacity, possessed of the Earl's estates, the fraudulent guardian put forth a frivolous and monstrous claim to both estates and title, and procured from the young king a grant of both. Nor, when he had attained to wealth and power, did he strive, by moderation, to make people forget the iniquity which had stained their acquisition. His public display exceeded anything that had ever been seen in a subject in Scotland. His extravagance was boundless. Out of the reckless profusion of his expenditure arose a greediness and lust of perpetual acquisition which took entire possession of him. No man who had an estate was safe if Arran set his heart upon his possessions. And if legal oppression seemed likely to fail, his ill-gotten wife was ready to spur on his evil purposes by predictions of Highland seers and spae-wives with whom she was in league, or if necessary, like another Jezebel, to procure for him a band of lying witnesses. If it were not for the notorious blindness of regal favouritism, and especially of the favouritism of King James, one would wonder how it was possible that a man so wicked and so worthless should have acquired any hold upon his regard. But Arran had qualities which James admired. His personal appearance was most attractive, his courage was unquestionable, and he was ever anxious to relieve his young sovereign, who was fond of anything in preference to the proper business of his kingly office, from all the cares of government. Arran made it appear as if he took upon him the transaction of public affairs with no other view than to afford his sovereign leisure and opportunities for the indulgence of his particular tastes. It was not difficult for such a man gradually to wind his coils very securely round a vain, good-tempered lad of sixteen.

That such a state of things would produce a convulsion was obvious, even if it had lacked that element which was mixed up with all the troubles of Scotland in the reigns of Mary and James—religious discord. But that element was not wanting.

The educated, and consequently the most influential portion of the people of Scotland were very determined Protestants. Their leading clergy, the coadjutors and successors of John Knox, were men of great talent and unquenchable zeal. They exercised an influence over the minds of their flocks, and by their writings and through their church-assemblies over the people at large, which can scarcely be appreciated in colder and less enthusiastic times. All this influence was opposed to Lennox, who was really a Roman Catholic, and to Arran, who scoffed at all religion. The people saw their young King surrounded by Roman Catholics, and taught to look with dislike upon the popular faith and upon the popular leaders. They beheld him hurried along in a course which could only lead to a partial restoration of Roman Catholicism, and to a consequent disunion of interests, and breach of friendship, with their Protestant neighbours. There was only one way by which such results could be avoided. The parliament of Scotland afforded no means for removing the royal favourites; the judicial institutions were entirely prostituted to their interests; force was the only remedy.

Arran was warned that it was intended to resort to arms. He derided the warning, and boasted that if the Protestants dared to stir he would chase them into mouseholes.[1] But he miscalculated his own strength and theirs. The plan determined upon was to procure the king to visit the house of one of the Protestant lords, and there to deliver to him a written remonstrance against the misgovernment of his favourites, with a request for the construction of a council more in unison with the feelings and interests of the nation. It was strenuously denied that it was any part of the plan to detain the king, or to put any restraint upon his person or inclinations. That was probably the understanding of many persons who were in the plot; but I can scarcely think that there were not amongst them some men who had determined what was to be done if the king, as it was most likly he would do, refused their re-

[1] Melville's Memoirs, p. 281, ed. Bannatyne.

quests with indignation. Gowrie was not at first consulted by the framers of the plot, but his castle of Ruthven, being in the neighbourhood of the King's ordinary hunting-ground, was conveniently situated for the accomplishment of the scheme, and after some solicitation Gowrie agreed to lend his house and join the plot. In the events which ensued, and especially in the actual detention of the King, he did not take the principal share; but the use made of his house, and his influential position in the state, ultimately rendered him, in popular estimation, one of the most prominent persons concerned in this daring movement. The scheme was executed on the 12th August, 1582. In spite of tears and prayers, the King was detained in Ruthven Castle; he was coarsely told that it was better that bairns should greet than bearded men; and all the functions of government were assumed in his name by the lords opposed to Lennox and Arran. The whole character of the government was changed at one blow. Some imperfect tidings of the detention of the king were quickly brought to Arran. He gathered round him a few of his customary attendants, threw himself on horseback, and hastened to the rescue. He fell in with some of the retainers of his enemies: they wounded several of his attendants, and chased and sought to capture himself. Flying from their fury, he entered Ruthven Castle. He demanded to see the King. The servants of the lords crowded round and seized him. The fate of Rizio seemed impending over him, when the Earl of Gowrie threw himself between Arran and his assailants, and saved his life.[1] This incident is known by the name of the Raid of Ruthven. Among its immediate results was the proscription of Lennox, whose gentle nature was unable to bear up against the sorrows and disappointments of banishment. He died within twelve months afterwards. Arran was committed close prisoner to the custody of Gowrie.

The persons engaged in the Raid of Ruthven probably hoped that after a little while the young king would have been sincerely reconciled to them; that absence would have blunted

[1] Melville's Memoirs, p. 281, ed. Bannatyne.

his recollection of his old favourites; or that he might have been attracted by some pleasant countenance among themselves. None of these results ensued. The Ruthven lords governed the country for about ten months. The King, and the Estates of Scotland, and the Kirk, all confirmed what had been done, over and over again. The Raid was declared by all the authorities in Church and State to have been a good service to the king and kingdom. But the King felt himself to be a prisoner. He signed whatever papers were put before him; he did whatever he was requested to do; he spoke with kindness and familiarity to all the Protestant party; he professed the greatest anxiety to be upon friendly terms with Queen Elizabeth. But he secretly whispered in the ear of De Menainville a French ambassador who visited Scotland to pave the way for a counter-revolution, that "although he had two eyes, two ears, and two hands, he had but one heart, and that was French;" and when Robert Carey, who was sent to him by Elizabeth, spoke disparagingly of Lennox, the young monarch burst into a flood of natural tears, and passionately defended the character of his banished friend. It was not without reason that several English ambassadors wrote home about this period the most decided statements of their conviction that James's mind was totally alienated from England. Davison, in a letter as yet, I believe, unpublished, declared, that it might be "set down for a maxim, that the king is enemy to her Majesty, and her estate, which needs no probation for that it is so manifest;"[1] and Lord Hunsdon, writing shortly afterwards, but when a change of circumstances permitted the young king to speak more openly, warned the English queen not to look for amity or kind dealing at James's hands. "If there were any good inclination in him towards your highness," he continues, "which I neither find nor believe, yet he hath such bad company about him, and so maliciously bent against your highness, they will not suffer him to remain in it two days together."[2]

[1] Caligula, C. VIII. fol. 22.

[2] Murdin, p. 591.

James was enabled to cast off the domination of the Protestant lords through the intervention of Colonel William Stewart, a brother of Arran. By a *coup d'état* as singular and as bloodless as the Raid of Ruthven, he set the King at liberty. The friends of Lennox and Arran were once more permitted to approach him. The children of the former were sent for from France. A Council of State was formed, which comprised members of both parties. Everything seemed to betoken that an attempt was to be made to govern the country upon principles of conciliation and compromise. Above all, as connected with our present purpose, the king paid a special visit to Ruthven Castle, "to let the country see that he was entirely reconciled with the Earl of Gowrie." The Earl received his Majesty with all possible splendour. After dinner he fell on his knees publicly before him, and entreated pardon for the indignity which had been put upon him at his last visit to that "unhappy house," assuring the King that the detention of his person was unpremeditated, and had fallen out rather by accident than by deliberation. The King treated the Earl with the greatest kindness, told him that he well knew how blindly he had been involved in the conspiracy by the practices of other persons, and promised never to impute to him his accidental fault.[1] This interview and promise must have been long and bitterly remembered by the family of Gowrie.

During all this time Arran remained a prisoner in the custody of Gowrie, but the heart of the King yearned for the society of his old favourite. Many of the nobility gave their consent to his being set at liberty, "only the Earl of Gowrie," says Melville, "resisted." But Gowrie was no man to resist long. The King begged that Arran might be permitted to come and see him "but once," and then return to his place of detention. Melville interceded with Gowrie on the King's behalf. Compromise under such circumstances was difficult, Gowrie withdrew his opposition, and the obnoxious favourite

[1] Melville's Memoirs, p. 291.

was set at liberty. The consequences are related in 'Melville's Memoirs,' as published by the Bannatyne Club, with most instructive minuteness. Arran began by attending the meetings of the Council of State with the king, and as his friend. He then put it into the King's head that it was "a fashious business" to sit listening to the discussion of contrary opinions, and persuaded his Majesty to take his pastime in hunting, and allow him "to tarry and hear us," says Melville, "and report again, at his Majesty's returning, all our opinions and conclusions." This he observed only "twa or three times." His next step was to transact certain particular affairs of his own accord, reporting to the king that he had the authority and consent of the Council. From that position it was an easy leap to the entire direction of the business of the Government. His first great measure was to lay before the Council a royal instrument repudiating all the proclamations, acts of state, and royal promises, by which the actors in the Raid of Ruthven had been pardoned. The raid was proposed to be declared treason, with a proviso that those who had taken part in it might obtain pardon upon submitting to such temporary banishment, money payment, or other punishment, as the king, or rather as Arran, might think fit. Such a proposal was vehemently resisted in the Council, as being "directly against his Majesty's mind and promise." But the King's mind was changed, and Arran was supreme. Melville led the opposition in the Council. Arran taunted him with his love to the Ruthven lords. Melville charged upon his assailant a love for their lands. Arran replied that Melville would ruin the King. Melville answered "Either you or I." Whereupon Arran "leapt out of the Council House in a rage."[1] The obnoxious Melville, and those who shared his opinions, were soon got rid of. Their places were supplied by a flattering faction of Arran's dependants, and "all things," Melville concludes, "were turned upside down."

[1] Melville's Memoirs, p. 314.

Calderwood and Melville, Spottiswood and Keith, Bowes, Davison and Hume of Godscroft, writers of all parties, and with the best means of information, describe the subsequent conduct of Arran in terms which apply only to an almost unparalleled tyranny. The whole realm trembled under him. Day by day some new stratagem was devised to obtain forfeitures and escheats, lands or benefices, or to get goods. The unscrupulous ingenuity of pettifoggers was racked to find flaws in the lives or titles of Arran's enemies, and to make his own acquisitions sure. The King was excited to the highest indignation against the Ruthven lords. Angus, Mar, and Glamis, the real leaders in the raid, were banished, the first of them to the north of Scotland, and the two others to Ireland. In the public mind, and in the estimation of the King, a great distinction was made between those men and Gowrie, but Arran made none. Gowrie was wealthy, he was an easy, simple-hearted man, but he was popular, he had influence which might render him dangerous, and one of the Countess of Arran's Highland soothsayers had declared, that "rack he would." The prophecy was one which Arran and his wife determined should not remain unfulfilled. Gowrie excited the suspicions of his friends by endeavouring to buy peace by a partial submission. He acknowledged *peccatum in formâ, sed non in materiâ.* The King was satisfied, but not Arran. Gowrie was annoyed by all the means which upstart insolence could devise. At length, bending before the storm, he prudently retired from Court to his residence in Perth. The King, who seems really to have been partial to him, recalled Melville to Court and employed him as a mediator. Melville followed Gowrie to Perth and entreated him to return. He did so, and the King took pains to reconcile him with Arran. But no terms were kept with him. He was vexed and "put at," as Melville phrases it, "in every imaginable way." "Arran hated his person," says the same authority, "but loved his lands," and was bent upon obtaining them. Thus annoyed and persecuted, Gowrie determined

to quit the country. He applied to the King for a licence to visit France. It was granted, and Gowrie repaired to Dundee as a convenient sea-port for his embarcation. At this point of the narrative the correspondence of the English Ambassadors comes most opportunely to our aid, and enables us to give a minute detail of what actually took place. The story is a simple and very natural one.

If Gowrie had now sailed at once, some pretence would no doubt have been found for a forfeiture of his lands. It is evident, from what follows, that such was his own opinion; but his life would have been saved. But expedition was not among Gowrie's qualities. He was ever, remarks a contemporary and friend, "over-slow of nature." Once at Dundee, at a distance from the annoyances inflicted upon him by Arran, he began to repent of his determination to quit his native country. He repaired from time to time to Perth, where he was universally beloved. He wandered over his beautiful domains. He lingered in the apartments which he had recently added to his mansion; and which he was occupied in furnishing with princely splendour. He remarked, with a sigh, to one who visited him there,[1]—and the remark indicates the character of his mind, almost as much as it does the state of his feelings,—

> "Impius hæc tam culta novalia miles habebit?
> Barbarus has segetes?"

Again he passed to Dundee, and there, uncertain, doubtful, lingering, awaited the arrival of the vessel which he had hired. At this time—the very crisis of his fate—Gowrie's old friends of the Raid of Ruthven began to think that the cup of Arran's iniquity was full. They determined to return from their places of banishment, and rise in insurrection, with the hope of being able to free the country from Arran's tyranny. For a considerable time Gowrie was not invited to join them. They were displeased with his recent partial sub-

[1] Hume's 'History of Douglas and Angus,' ii. 318, edit. 1748.

mission, and were doubtful how far his slow and easy nature could be depended upon. David Hume, a well-known servant of the house of Douglas, waited upon Gowrie secretly to sound him. Gowrie received him in the dead of night, opened his heart to him as freely as he could to any one, and sent him on his way convinced of Gowrie's continued adherence to his ancient principles, and charged with an assurance to his old associates of his willingness to join them in their new design. Gowrie afterwards learnt that James Erskine, a friend and relation of the Earl of Mar, was employed as a messenger to carry tidings between Angus, in the north of Scotland, and Mar, who was in Ireland. With more decision and activity than customarily belonged to his character, Gowrie sent forth trusty servants to keep watch for this fatal messenger upon the public roads and in the mountain passes.[1]

In the meantime some rumours of a stir among the Ruthven lords reached the ears of Arran. With his usual promptitude he ordered Angus to remove still further from the capital, into the country of Huntley, the head of the Roman Catholics in the north. He also sent a royal command to Gowrie to set sail within fifteen days. Gowrie made pretence of employing himself about the business of his embarcation, and remained at Dundee awaiting news from Angus and Mar. The limited time was running fast away. The Countess of Gowrie, who had been recently confined, was lying very ill; difficulties, either real or pretended, arose about the vessel which Gowrie had chartered. It was determined that Athol should go to the King, and entreat an extension of the period limited for Gowrie's embarcation.[2]

In due time James Erskine was intercepted, detained, and brought into Dundee. Gowrie was now fully admitted into the designs of the conspirators. No attempt was to be made upon the King's person. That folly had been fatal to them on

[1] Hume's Hist. of Douglas and Angus, ii. 318, edit. 1748; Spottiswood's Hist. of Church of Scotland, 331, 332.

[2] Caligula, C. viii. fol. 4.

the former occasion. The removal of Arran was to be publicly put forth as their sole object, some principal place in the kingdom was to be seized, and the people were to be invited to join them. It had been doubted whether Perth or Stirling should be the place to be seized. Perth was Gowrie's town, Stirling was Mar's. Perth was a stronghold of Protestantism, but the situation of Stirling, in reference to the capital, and its greater capabilities of defence, determined them to give it the preference. The castle was insufficiently garrisoned, and it was not doubted that a sufficient force could be assembled to carry it, almost at any moment, in spite of its commanding situation. Friday the 17th April, 1584, was fixed upon as the day for assembling at Stirling, and Gowrie was commissioned to give directions to his tenants and retainers, and also to those of the other confederates in that part of the country, to assemble accordingly. Gowrie undertook this part of the plot, but is said to have executed it very imperfectly. He communicated with the persons indicated, but did not "bind them to be ready to accomplish such particular effects" as were intended. "After his accustomed cold manner of dealings," he did not conclude with them "in any plain sort."[1] Probably he thought it better not to divulge the place and time of meeting until the last moment. In the meantime he passed backwards and forwards between Perth and Dundee, as if settling his private affairs before his departure.

On the 29th March, Bowes writes from Berwick, that secret information had been brought to the King at Edinburgh that Mar and Glamis had suddenly returned out of Ireland. It was instantly suspected that some enterprise was imminent. Soldiers were enlisted by beat of drum in Edinburgh, and the gentry of the Lothians were summoned to mount guard over the person of the King. They attended in arms to the number of seven or eight hundred. They kept watch and ward in Edinburgh during the night, and during the day they scoured the country for five or six miles in every direction. Nothing

[1] Caligula, C. Aiii. fol. 19.

occurred to justify these precautions. Mar and Glamis had indeed returned to Scotland, but they remained concealed until the appointed day. In the meantime Athol arrived in Edinburgh with Gowrie's request for the extension of the period for his departure. It was peremptorily refused. Athol begged to be allowed to return and speak to his father-in-law before his departure. He was ordered to remain in Edinburgh during the King's pleasure.[1]

On the 10th April, Bowes writes, that the courtiers gave out that Athol had shown a letter of Gowrie's which disclosed a conspiracy.[2] And at that time, as we are told by another authority who wrote after the event, his Majesty dreamed a dream that he saw the Earl of Gowrie taken, and brought in as a prisoner before him by Colonel Stewart, Arran's brother, and that that event had the effect of quieting the country.[3] Whether there was any truth at all in the circumstance reported of Athol I have not discovered. It is to be hoped not. No such letter is mentioned again. His Majesty's dream, if we could establish its exact chronology, would probably be found to have taken place after it had been determined to send Colonel Stewart with the design which occupied his Majesty's nightly thoughts. That Arran should determine to arrest the unwilling, lingering exile, who had already overstayed his time, will not be thought extraordinary. It is strange that he did not also attempt to secure the person of Angus.

On the 13th April, Colonel Stewart was sent to Dundee by sea, with 100 men, charged by a royal warrant, written by the hand of Arran himself, to bring the body of Gowrie to Edinburgh. At the same time, the Earl of Crawford, who was the provost of Dundee, was dispatched thither to await the arrival of Colonel Stewart. The Earl bore with him stringent papers directed to the municipal authorities and loyal burghers, charging them to aid and abet the royal messenger. Crawford reached Dundee on Tuesday the 14th. His arrival in what was looked upon as his own town, the burgh of which he was

[1] Caligula, C. viii. fol. 1 and fol. 4. [2] Ibid. fol. 6. [3] Melville, p. 326.

the official head, does not seem to have excited any suspicion. At three o'clock on the following morning, Wednesday the 15th April, the vessel which bore Colonel Stewart hove in sight. It was nine o'clock a.m., when they made the land. It is likely that the vessel had attracted attention in the town, and that some rumour which had got afloat respecting her drew Gowrie to the harbour when she entered. Certain it is that he was there, and that he saw Colonel Stewart, the brother of his deadly foe, step forth upon the shore. He could scarcely doubt what was the Colonel's errand. He retired hastily to his lodgings, which were in the house of a burgher named William Drummond. He summoned his servants, barricaded the house, and set the Colonel at defiance. Had he been in his own house at Perth, in the midst of his tenants and retainers, and surrounded by a population to whom he was known, and by whom he was beloved, it is likely that he might have been able to resist a much larger force than Colonel Stewart had to bring against him; but the influence of the Earl of Crawford secured the townsmen, and with their assistance Colonel Stewart effected Gowrie's capture, after a defence, some say of three hours, some of six, and some of twelve. On the day following he was removed from Dundee. He passed Friday the 17th, the day of the appointed meeting at Stirling, on the road or at sea, and was brought into Edinburgh a prisoner on the day following.[1]

The capture of Gowrie was the defeat of the plot. The news that their chief was taken was carried to Perth. It was circulated throughout the country with that peculiar speed with which a rude people convey from one to another tidings in which they have a common interest. When the 17th arrived, not one of Gowrie's retainers stirred from home. Even if actually apprised of the day, no one would dream of keeping tryst, or taking the field, in the absence of his chief; and those who were not Gowrie's men, but with whom he had communicated, would conclude that the whole matter was at

[1] Caligula, C. viii. fol. 9 and fol. 11. Moysie's Mem. p. 48.

an end when Gowrie was captured. Not so Mar and Glamis, who did not hear that Gowrie was taken in time to change their plans. They left their hiding-places and came into Stirling. Mar established his head-quarters in a house which belonged to his mother. Angus, although apprised of Gowrie's capture, hastened from the north to join his confederates. The town was yielded to them, the castle was summoned, and in a few hours they were at the head of 500 or 600 horse. On the day following, the castle, which was in the keeping of Henry Stewart, another brother of the Earl of Arran, was yielded to them. But now the fact that Gowrie was taken became generally known. To keep up the spirits of their followers it was given out by Angus and Mar, that Athol would join them on the morrow, with his own followers as well as those of Gowrie. The morrow came, no reinforcements appeared, and those who had assembled became dispirited. A messenger was dispatched by Angus and Mar to Bowes to beg the assistance of Queen Elizabeth; but Bowes had no instructions.[1]

In the meantime Arran was proclaiming far and wide that the design of the conspirators was to do violence to the person of the king as they had before done in the Raid of Ruthven. Colonel Stewart set forth with 1000 men towards Stirling, boasting that he would "knock on the castle walls;" but, after reconnoitring the position of the confederates, he contented himself with watching their movements from a distance. In a few days much larger forces were collected. The King took the field in person. The Lords found that their enterprise was hopeless. They retired from Stirling, disbanded their forces, and sought refuge in England. On the 29th April, Angus, Mar, Glamis, and the rest of the leaders, reached Berwick, and Bowes wrote on the 30th that the King had disbanded his forces, and intended to return to Edinburgh on the day following.[2]

[1] Caligula, C. viii. fol. 12, 14, 16.

[2] Caligula, C. viii. fol. 16, 17, 18.

Only one person now remained to be dealt with. Gowrie was kept for a week in Edinburgh. His wife had left Dundee immediately after his departure, with intention to intercede on his behalf with the King; but she was so unwell as to be obliged to travel by short stages and at the slowest pace. Her purpose became known, and she was stayed by a royal mandate which forbade her to come within twenty miles of the King's person. She took refuge in Stirling, where she remained during the disturbances created by the Lords, and where a fresh trouble awaited her. From Edinburgh Gowrie was sent on the 25th April, under the care of Colonel Stewart, to Kinneil.[1] After five days he was removed from thence to Stirling, to take his trial, or rather—for his fate was predetermined—to be put to death. Mr. John Graham, "a man fit for the time," was appointed to the bench specially to preside at his trial. No pleader was present, save the Lord Advocate, who was the public prosecutor; Arran appeared as one of the jury; and the Earl of Argyle having desired to be excused from taking a part in a business so clearly settled beforehand, was charged upon pain of treason to appear and do what was required of him.[2]

Gowrie was subjected to many private examinations, and it was spread abroad that he had made important disclosures which implicated no fewer than thirty-two "noblemen and barons." Here it is, that at length we come to our new papers, and are dependent upon them to supply the narrative. They are three in number, and are contained in volume Caligula C. viii. of the Cotton MSS.[3] The first professes to give a narrative of certain devices or stratagems used by Arran and Sir Robert Melvill in order to secure the conviction of Gowrie. The second and third are two narratives of his trial and execution, which differ only in minute particulars. The history

[1] Near Linlithgow; a part of the spoils which Arran had obtained from the ruin of the Hamiltons.

[2] Caligula, C. viii. fol. 40.

[3] There are copies of the papers Nos. I. and II., of about the same date as the Cotton. MS., in the Harleian MS. 291, fol. 94 and 96.

of these papers seems to be, that Davison sent them to the English Court; for, writing on the 18th May, 1584, he says, "I have made means to recover the whole form of Gowry his process, which I look for daily, and will send your honour [that is, Sir Francis Walsingham], so soon as it comes to my hands."[1] The first and second papers are copies of the time. I infer from a reference given by Mr. Tytler that the original of the first may be in the State Paper office. The third, although in substance like the second, is unlike both the others in appearance. They are written in a common transcriber's hand; it is in a hand similar to court hand. It, like the second paper, professes to be the account of a person who sat behind Gowrie at his trial, and is probably an original narrative written by some legal officer. All the papers are penned with a favourable feeling towards Gowrie; but it does not appear to have resulted from any particular acquaintance with him, nor do I see anything in any of them which gives any clue to their authorship. The second and third are plain narratives. They tell a tale which need not be doubted. It is too much in accordance with the practice of the time in cases of political offences to be thought strange. But many questions arise respecting the story told in the first paper. Before glancing at those questions,—and I shall merely glance at them,—it may be as well to submit copies of the papers themselves to the Society. They run as follows:—

No. I.

MS. Cotton. Caligula C. VIII. fol. 23.

xxx Aprill, 1584.

The forme of certaine devises used by Arren & S^{r} Robert Melvill against Gowrie.

Gowrie beinge deteyned in Edenbr. as a prisoner, Arreyn, accompanied wth S^{r} Robert Melvill, came to the chambre where he laye, and, after they had used diuers wordes of office unto him at the first entrie, wth protestacons that they both tendreth

[1] Caligula, C. viii. fol. 37^{b}.

nis standinge, & the wellfarre of his person, as entierelie as anie of his best affectionate well willers or favourers could ever do, they begõne to lett him understand of the greate evell will the K. Ma^tie had conceyved against him, especially because his H^s held him to be the principall deuiser of his cousin the D. of Lennox his bannishment, w^ch extreame dealinge his H^s could hardelie be moved to pdon. And therfore, consideringe the K. was so evill affected unto him (w^ch they affirmed to be of veritie), they advised his L. to employ his creditt w^th some of his spetiall frendes in courte to labor at his Ma^ties handes to accept him agayne in his favo^r, ells their opinion was, that he would fynd himselfe in a great strait & in perill of his lief.

Gowrie answerid, that anent the exilenge of Lennox, his pte was no deaper nor the rest of the counsell for the tyme. That nevertheless he would fain doe what in him laie to conquere his Ma^ties favo^r and good likinge. To w^ch effect he could devise nor finde out none meeter to be suitors for him then the twoe were. First, because he was a prisonner, & therfore not able to sollicite anie other to deale for him, unless they by fortune came in to visit him; and next, for that he knewe of none in cort that he durst better lyppin unto[1] nor them; both in respect of the great familiaritie & friendshippe he alwayes had especiallie w^th them aboue all others, and in consideration of divers other obligations, wherby he trusted they did acknowledge themselues to be bound unto him in the tyme of his credyt.

"We would gladlie," said they, "do anie thinge for you we could; but to deale directlie in that cause it should procure unto o^rselves the kinges displeasure." Quoth Gowrie, "Yf you will not do for me, lett me have yo^r good counsell, whom other you thinke meetest that I shall have recourse to."

"Certainelye," said they, "the onlie moyen that we thincke is left to yo^r L. wherby you maie have respect to the preservation of yo^r lief & insumate [insinuate?] yo^r selfe againe in his

[1] Trust to.

M^te^ good grace is this, to writte a generall lr̃e unto his H^s^, shewinge that you have ben of the privie counsell of some conspiracies intended against his Ma^tys^ owne person; and if it might please his Ma^te^ to suffer you to have accesse to speake with his H^s^ you should oppen uppe the speciailties of the matter unto him.

"Nay," sayth Gowrie, "that shall I never do, for so I should promise the thinge w^ch^ I could not discharge myselfe of. I should confesse an untrueth, and put myselfe in a farre worse case then I am in. I will rather trust in the simplicitie of myn honest cause & upright meaninge, and take my hazarte as it shall please God to dispone uppon me."

"Your L." saie they, "maie do as yo^r^ harte best semet you, but in o^r^ oppinion the generalnes of the lr̃e would make the kinge couriouse to knowe further of the speciall, and to that effect it appeares his Ma^te^ would send for you to be better informed in it. Nowe you, hauinge a place to take [talke?] in privie w^th^ the K., might open uppe the simple trueth unto him, that ye had devised the pollicie of the lr̃e onlie to have accesse to tell yo^r^ owne tale unto his Highnes, and that, in verie deede, you knowe nothinge of suche thinges as were mentioned therin.

"So having made yo^r^ excuse (w^ch^ we doubt not his Ma^ties^ clemencie & good inclynation will take in good pte) you maye laie open yo^r^ owne innocencie, in the w^ch^ the K. is jealous over you, and yo^r^ sincere meaninge at all tymes to his Ma^ties^ estate & pson, & by that meanes conquere again to yo^r^ selfe that place in his M^ate^ favor w^ch^ yo^r^ honner unpromisedlie lost."

"That pollicie is verie perielous," sayth Gowry, "for wher I knowe my self so cleare of all crymes against his H^s^, I should by that meanes make myne owne doyttie,[1] and not being sure of my lief, nor how the Kinge will accept myn excuse, incurre the danger of forefaltrie for confessinge treason, to the tynsell[2] of my lief, and the defamacion and utter ruyne of my house.

[1] Indictment. [2] Loss.

"Notwithstandinge all these dangers," sayeth Arreyn, "w^ch^ ye seame to fall into by that confession, thus farre I will certifie you, that, whether such thinges be or noe, you must confesse the foreknowledge of them, or els it is concluded you shall dye."

"Goes it so hard w^th^ me?" sayes Gowrie: "if ther be no remedie, in case I had an assured promise of any [my] lief, I would not sticke to prove the deuice of the ire."

"I will then," sayeth Arren, "uppon myn hono^r^ faythfullie promise you, that yo^r^ lief shall be in no danger if y^e^ will so doe."

Gowry, pswaded by their dissembled frendshippe, but cheiflie by this sollempnie pmise, in the end condescended to the pswasions, & uppon the forementioned pretences, he wrote a ire to his H^s^, to the verie same effect as they had deuised. The ire was sent to the Kinge; neuertheles Gowrie abode still unsent for, till he was conveyed to Sterlinge. Ther his assise elected & sett downe, & the dittay red, the assessors could fynde nothinge, wherof uppon equitie & good conscience he might be depriued of his lief. The w^ch^ when Arreyn pceaued, he sayd, "My LL. I can verifie that this man here confesseth himself to have ben on the counsell of some conspiracies intended against his Ma^ties^ owne pson, and therew^th^ all produced the before mentionned ire, in presence of the whole LL. assissors. Then it was doubted least the ire might have ben forged by some of Gowries unfreindes, and his handewrittinge counterfeyted. The w^ch^ to resolve them of, Arreyn desired Gowrie to be called in, "who," sayd he, "will not denye the same to be his owne hand-writinge." Gowrie is brought in, and he[1] confesseth the same to be his writtinge, and uppon that occasion repted the whold progresse of the speaches passed betweene Arreyn, S^r^ Roberte Melvill & himself: he showes them howe they towe entased him to wryte it, uppon what pretence it was written, and howe Arreyn promiseth unto him in so doinge that uppon his hono^r^ he should

[1] Thé, in MS.

warrant unto him his lief: hereat Arren stormeth and gave him the lye. Gowrie answeared, that he knewe in what case he was, that he durst use him w^th^ such termes, and that he would mainteyne the veritie of that w^ch^ he had spoken, against him or anie other, while he was able to stand. This contention was pacified, Gowrie was removed, and uppon his own confession of the wrytinge to be his, and reconcillinge[1] of the confessed[2] conspiracie, he was condempned to the deathe, accordinge to the prepractice practised against the Earle of Moreton. At last, being uppon the scaffold, readie to suffer, befor the whole people he repeated over the discourse of the before specified conference, in the selfe same wordes ye have heard it reported, and he tooke it uppon his soule & conscience at his latter houre, that (howbeit the promise of his lief moved him to direct this ire to his Ma^tie^) his pretence & meaninge was none other therby but to have had speache w^th^ his highnes by that meane, and that he never was privie nor knewe of anie conspiracie against his Ma^ties^ person, and therfore could accuse no manner of man therupon.

No. II.

MS. Cotton. Caligula C. VIII. fol. 24 b.

3 Maij, 1584.

The manner and forme of examination & death of W^m^ Earle of Gowrie, & Lord Ruthen & Derleton, great Thresorier of Scottland, the 3[3] day of May, & affter eyght howers at night, 1584.

Beinge brought from Edinbrough w^th^ the armie, he was conveyed to Kinneile bie S^r^ W^m^ Steward of [Houston], Knight. Their he remained fiue dayes, till the tyme he was brought to Sterlinge, and the forth day therafter was accused

[1] So in MS. [2] Confesseth in MS.

[3] This date is unquestionably inaccurate. Gowrie was removed from Edinburgh to Kinneil on Saturday, the 25th April, 1584; and from

in these wordꝭ, "Willm Earle of Gowrie, yu are indited and accused of treason, notwithstandinge the incomparable honors wch you have receaved of the K. Mate, as both by your offices and the augmentacõn of yor rentꝭ most plainly is manifest, as also the challenginge that honor to be of his Hignes blud, yet neuertheles, you have now latly entred in great conspiracies against his Mate, as of before in the detaninge of or person in yor howse, at Ruthen." The clarke endinge wth the first of th' accusacõns, th' Earle replyed, "For as much by his Maties licence I was to dept fourth of this countrie, & meaninge to obay his cõmãdemt, I purposed to take shippinge, as the ꝑvost, balies, & publick notaries of Dunde can recorde; notwtstanding, I was stayed by a prvat commission ꝑcured by my adversarie and written by his owen hand, and uppon a sudden, my srvantꝭ and freindes beinge from me dep̃ted, I was pursued and beseged by all manner of hostilitie, thoughe I was under his Maties protection, & havinge his great seale for my warrant: but to answer now to that werof I am accused, affter the rod of Ruthen, I did take remission for it, and God is my witnes it was never ment against his state, ꝑson, or authoritie, but for his welfare. As touching the honors wch I have of his Matie in challenginge to be of his blod, truly albeit I be not in name a Steward, nor a disturber of the cõmonwelth, bringinge both the Kinge & his country in hazard, yet am I as nere in sibnes,[1] and hath done better and oftener service to his Matie, then he who thirsts for my blood by this cowardly revenge. Wolde to God, yf this case were to be debated betwixt me & my malicious adversarie, bodie for bodie!" "Be pacient, my Lord," saith the Judge.

And these wordꝭ he spake wth an assured modestie.

Kinneil to Stirling on the Thursday following, being the 30th April. On "the fourth day thereafter," as appears from this paper, and on a Monday, as appears from No. III. he was put on his trial and executed. It was therefore on Monday, the 4th May, 1584. In confirmation of these calculations it may be mentioned that Easter Day fell in that year on the 19th April.

[1] Relationship.

He answered, "I do not speacke this of anie malice, but of intent to delare my iñocent life, w^ch^ is most injustlie pursued." "My Lord," said the Judge, "you shall heare the rest of the accuśion; answer shortly & w^th^ pacience. Whome will you have ꝑloquito^r^ for you?" Th' other said, "I se none except my Lord Advocat, who will excuse himselfe for that he is to accuse me. It is very hard for me, not beinge acquainted w^th^ the forme of lawe, to disput of my life w^th^ suche an experimented & practised lawyer, the tyme beinge so short & so sodaine; yet, Justice Clarke, I ꝑtest by this instrument, thoughe you be under the bondage and yoke of the court, wright my answers attendickly;[1] and if ther be no formalitie in them, esteme, my Lord^ꝭ^, the same to ꝓcede rather throughe the lacke of experience and practise of the lawes, then from the weacknes of my cause. So then, I say, that I shoulde not be accused, because it is a common practise, that whosoever is to be accused is to be summoned, yf from [uppon] hie treaśon, uppon fortie dayes, yf uppon anie toher crime, uppon fifftene, but so it is that I was first arrested or ever soñoned." The Advocat said, "Th' answer was not sufficient, for a thefe taken ꝑntly stealinge may be accused w^th^out suñoninge, muche more therfore in y^s^ cause." The question was referred to the Judge and his assessioners, w^ch^ they fownd not relyvant the answer my Lord made. Then y^e^ Clarke proceded, "You are further to be accused, for the coñoninge and conferring w^t^ Mr. David Hume, & Mr. James Estringe, s^r^vant^ꝭ^ to th'Erls of Angus & Marre, under night, wher, after long conference, you devised for the better bringinge of yo^r^ treasonable purpose to pase effect, it was necessarie the towne of S^t^ Johnstone & Sterlinge should be taken, or eyther of them both." Th' Erle replied, "My L. I see I am to be accused of these hedes w^ch^ I reveled uppon hope of my life, upon the K. Ma^ties^ ꝑmise, yea by necessitie, for when you my Lord^ꝭ^ (naming them all by ther names) came to me, desiringe me to tell the truth in this

[1] Authentically.

cause, I said, I was not so beastlie as to pen my owen accusation; you aunswered, that by this the Kinge Ma^tie should the more be offended, & have the juster cause of wrath against me, yet for the tyme you could not otherwise pswade me, till at the last you said, it stod not w^th the Kinge honor to capitulate w^th his subjecte by writtinge. You left my [me] then, and after came to me, & sware uppon yo^r honors & faith, that the Kinge sware unto you, that he graunted me my life if I would disclose those doinge wherof I should be asked. I did yeld upon this promise, & did wright thes thinge wherof I am to be accused; therfore this matter, w^ch I wrought by necessitie, should not be layd to my charge in respect of the Ke pmise. The Advocat made contradiction to[1] this, and shewed that the Lorde and others whome he named had not power to pmise life to him. The other answered this: "When y^e Kinge had promised unto them, w^ch they avouched by ther oth unto me?" "Aske them then," saith the Advocat. They beinge inquired, denied suche pmise was made by the K. to them, or by them to him. He aunswered, "You will not say so, my Lorde; for upon yo^r hono^rs you swarre to me. I refer it to yo^r othes, I am suer you will not denie it." They sware it was not so. Then said my Lord, "This is a strainge matter, that neyther law nor pmise can availe: yet, my Lorde, I speak to you all, might it please you to goe to the Kinge to knowe his minde towarde me." They after consultacon refused to goe. The Clarke after pceeded, askinge first, what answer made he to the last accusation. He said, "I denie it all, for I knowe not Mr. David Hume." "Ye are further to be accused, for directing yo^r s^rvant Mr. Patrik Whitlow w^t the letters of Angus, who cam to you to Dunde[2] w^t lres from him, craving yo^r assistace in this entreprice." "I answer, that I diswadid them, and shewed to them that they wold be no mo then they brought w^th them at the first. And yet whie is it nott best, & lawfull, to the nobilitie to assemble them-

[1] Tho, in MS. [2] Dinide, in MS.

selves, seinge both their landes & life put at bey them w^ch^ are gredie of both, to make som articlis for ther safetie, and make narration of them to the King. They are in no worse case then burgeses."

The Clerke ꝑceded, "You are to be accused, for the kepinge of your house in most willfull manner, three howers afther the sight of the K^ꝭ^ comission." His aunswer was, that the ꝑticuler commission, written and devised by his ennemie, was not of suche sufficient force to derogat the lr̃e of ꝑtection w^ch^ he had under the King's great "seale, and yet, notw^th^-standing, I obeyed it, and I had bin away longe before yf David Murrey, who was directed by the Kinge to stay the shipp whill the shipper fownde caution under the peine of ten thousand pounds that he showld not land me eyther in Ingland, Ireland, or Scotland, so that when the wind was faire I was stayed, and when it was out of the way I was apprehended."

Then the Clark ꝑceded, "*Item*, You are accused, for concelinge the treasonable conspiracie, devised as you confes against the King and Quene his most dearest mother, for both ther distructions." "I answer, that y^e^ concelinge is no treason, but the revealinge a benefit. It concerns no man nor ꝑson in this country."

"Last of all, you are accused of w^ch^crafte, and conferringe w^t^ one Macklene, a sorcerer." He aunswered smylinly; "What! I thinke you meane not to mow[1] w^t^ me. It is knowen I served my God, and feared him. This is no just accusation, but a malicious slander, and I knowe by whome devised; but since it is laid to my charge, I will tell you the truthe in this matter. Ther cam to me a teñnte of mine dwelling beside Dunkell, who spake w^th^ a woman, askinge him how did her L. 'Well,' saith he; 'No, no;' saith shee; 'ther is some evell don to him not longe since, w^ch^ is, that the Kings favo^r^ is written from him.' 'By whom?' said he. 'By the ladie of Arraine,' said the other; 'and yet,

[1] Nowes, in MS.

if he will have remedie for it, it may be done.' The servant shewinge me this, I refused plainly, and if the woman were here surelie I should be more willinge she were burnt then anie other. Yf there be anie witches, or witchcraft, I thinck it be nerer the court."

The Jurie being called, everie one bie ther names, suche as Huntley, whom he refused throughe his nonage, Argile, Craufourth,[1] Arrayne, Montrosse, Eglington, Glincarne, Marschall, Lords Oglebie, Salton, M^r^ of Elphingstone, & the E. of Tillibane, everie one giving their othes severally that they gave no councell to the Kinges Advocat to accuse him. Then it befell that th'Erle of Arraine should speake, who, rising upon his fete, said,—"Thoughe yo^r^ Lp thinck the name of a suddert infamous, yet it is not so. I thinck it a great praise that I have bin one. As for that commission which was written to app^r^hend you, I confesse I wrote it at my M^r^. his desire; for his Ma^tie^ estiminge more of me then of the comon sorte, and reposinge greter trust, he imployed me to wright this commission for divers respect̃.

"I confesse my L. my father's house hathe bene beholdinge to you, yet I speacke in the face of God, that I loved you better then myselfe, for when you hade[2] to do against my L. Olephante,[3] I so far advanced yo^r^ cause, that I did conterfect the King's hand-writtinge;" so, after this declaracon, he gave his othe he counselled not the Advocate to accuse him.

The Clark redinge over these six articles (of fower wherof he was condempned, viz. the 2, 3, 4, 5,) the LL^s^ whent to the inner howse, but, at their risinge, the Erle was spoken unto by the Erle of Gowrie, who desired him to remember of former years.[4] The other answered, The cause was not alike; for he cam not to his howse as traitor, "althog, my L., you

[1] Cramforth in MS. [2] Haue, in MS.

[3] For the circumstances of Gowrie's quarrel with Lord Oliphant see Calderwood, iii. 479, ed. Wodrow.

[4] Forren, in MS.

be accused of treason, & my life was sene[1] or ever you sawe me;" so that openly th' Erle of Arrayne denied his request; wherat th' other smiled, & sat downe, & called for drinke, & takinge the cup dranke to sundry, did shake hands w^th^ others. In the meane tyme, I hard him speake, beinge behind his back, to a gent desiring him to comend him to his wife, & to conceale his death from her, requestinge, also, that his frendꝭ might comfort her, & put her in good hope of his life till she wer stronger in bodie, for she was even at this instant weakned throughe the deliverie of his cheild. The Jury reentringe condemned him of 4 poinctꝭ. He never chaunged his countenance; spake these wordꝭ followinge, but ere he began, beinge interrupted a little by the Judge, who said to him,—"My L. the King's Ma^tie^ hath sent downe his [warrant] for th' execution of justice." "Well, my Lordes, since it is the Kings contentm^t^ that I lost my life, I am as willing now to do it, as I was before so oft to hazard it to do him service; & the noble men who hath bine uppon my sise will know the matter better hereafter. And yet, in condemninge me to die, the have hazarded ther owen soles, for I had ther ꝑmise. God [grant] that my blod be not uppon the Kings hed. I care not to live longer, for now shall I be fre from the meseries of this world, & from the fiery affaires of this court, wherof I wold have acquieted myselfe longe since if I could. The longer that I live, I shalbe involved & inwrapped in the greter care. My Lorde Judge, since these are but smale owersightꝭ whereuppon I am condemned, I pray you, so would I desier you, not to make the matter so haynous as to punishe it by the penaltie of forfatrie. My sons are in my landꝭ manie yeres since, and have all their rights confirmed by the Kinge, & faylinge th' eldest, the second is to succede, & is assigned to all my cawses." The Judge excused himselfe, for that he was condemned of treason, so he was compelled to prononce the ordinarie sentence, w^ch^ beinge ꝑnounced in this forē, in respect of thes tymes:

[1] Sain, safe. [2] My, in MS.

"Wheras W^m^ Earle of Gowrie is convicte, it is given for dome that he shalbe taken to the m̃ket place of this broughe,[1] & ther his hed striken from his showlders."

Th' Erle spake these words,—"I pray God my blood may satiate and extinguishe the bloddie rage and ire of the courteo^rs^, & bringe this country to quietnes:" so givinge a farwell, both by the shakinge of his hand̃ w^th^ manie about him, and by oplifting of his hart, bad them all adew, & called for the minister, from whome he depted to a chamber to his privat prayers, & returned theraffter, beinge conveyed to the schaffeld by his kep̃. The scaffeld, by his apointm^t^, was covered w^th^ linin cloth, then sand, next cloth, then scarleth, and beinge there, he addressed his speache to the people, his cloke about him, sayinge, 'Bretheren, this spectacle is more com̃on then pleasant to you. I am to die this night, for so it is the Kings pleasure; but I shall never aske mercie for anie thinge that ever I thought against him, and the Lord is witnes that I was mor carfull of his welfare then of my owne, my wives, and childrens. I have forgotten somethinge w^ch^ I purposed to speake. It was bruted that I should have spoken against many noblemen, & should have beene their accuser; but, brethren, credit not that, & let no more be spoken of me, after my death, then I have confessed now. I have accused none, neyther knowes of other except them who hath taken the tyme upon them." So ended his words, and loseing his brest addrest himself to death, as all the world may wittnes, without feare, yet with a greate humilitye, as is said. His head was stricken off. It was kept in the scarlet, and his bodie, w^ch^ was hastelye carryed from the scaffold, and sowed to his showlders before he was buried.

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[1] Troughe, in MS.

No. III.

MS. Cotton. Caligula, C. viii. fol. 28.

The manner and forme of the examinatione and death of umq^ll[1] Williame Erlle of Goury, lord Ruthen and Dirltoun, great Thessurer of Scotland, the 3[2] of May, 1584.

Being upone the Thursday brought frome Kinneill to Stirling, he stayed before he was brought to judgment three dayes, havyng conference with sonndry depute be his Ma^tie to confer with him. Upone the Monenday, very erlie, he was convyed to the Lady Marrs housse, and after the repare of the Judg and nobliemen who were upon his asyse, the Clerk procedid to the proces in this maner, "Williame Erll of Gawry, yow ar indyted of tresonne, treteruslie comitted against his Ma^tie, notw^tstanding the iñumerablie honorus yow have receved off his highnes, as be the augmentatione off your rent, and also in challenging to be of his Magistyes blood, is manifest, and lykways be the remissione off yowr former tresonne, when ye deteaned his Magisties pson in your hous of Ruthene, yet not^wtstanding of all this, yow have entred in more dangerus and deeper tresonnes sensyne." The Clerk having ended, he answered. "Forasmiklie as be his Ma^tie licence I was to dept out of this countrie, and resting to Dundie to dept, I entered in shipp, as the balzeis[3] and publik notars of Dundie cane record; but the vind being not in the vay, I steyed. In the meane tyme was I assyted be a privat comissione procured be my adversarie, vritin be his ovin hand, I having his Ma^tie letter of protectione under the great seall. But now to answere: as for the raid of Ruthen, I had remissione for it, and God is my vitnes, it was never mened against his estait, psonne, or autoratie. As touching the honors that I have receved of his Ma^tie, yow know what service I have done in his minoratie. As in chanaling to be of [his] blood, trewlie, albeit I be not a Steward, nor a discever of this coun-

[1] Umquwhile, the late. [2] See note [3], page 29. [3] Baillies.

trie, bringing nather the King nor his comonevell in hazerd yet am I als neir in sibnes, and hath donne better and ofter service thene he who thrists for my blood be this couerdlik revenge. Would to God this wer to be debated betwix me and my malicious adverssar, bodie for bodie." "Be patient," sayeth the Judge. The Erll said, "My Lord, I speak not this of my malice, but of my intent to defend my inocent lyf, which is uniustlie sought fore." "My Lord," sayeth the Judge, "yow sall heir the rest of the accusatione; answere shortlie, and derectlie. Whome will yowr L. have protector for yow?" The Erll replyed, "I se none heir except the Advocat, who will exceus himself, for he is to accuse me. It [is] very hard for me, not being accq̃nted with the feir of the law, to despute my lyff wth ane experemented and practysed advocat, the tyme being so short and sudden; yet, Justice-Clerk, I protest be this instrument, thought yow be under the bound and yoke of the court, that my answeres be wreaten all atenticlie, and yf they be informall extern [judge] it rather to have procedit from the lack of experience and practyse of the law, then from the weaknes of my cause.

"Then, I say, I shuld not bene accused this day, because whosoever is to be accused of any cryme is to be sommondet, yff for tresonne upone fourtie days, yf for any other cryme upone fyftene. But it is so wth me, that first I was aprehendet, and now accused before ever I was sommonded." The Advocat replyed that the answere was not revelant, for a theif stelling ridhand and *actu ipso* may be taken without sumōdę, meikill mair he in tresonne when he is with ridhand of the cryme." The questione was referred to the Judg, Mr. Jhone Gryme, and his assesionarę, the M^{r} of Levystonn, the Lard of Lochinwar, the Lard of Airth, who said it was not sufficient which my Lord hade answered.

Thene they proceidit, "Ye ar to be accused for the int̃-coming wth M^{r} David Home and M^{r} James Eskin, servantes to the Erll of Angus and Marr, und^{r} nyght, wher ye devysed, for the bett̃ bringing your tresone to pass, it was most ne-

cessare that ather the toune of Sanct Johnstonne or Sterling shuld be takene, or both." "My Lord," said he, "I am to be accused for these thinge, which I rewelled upone houpe of my lyf, and for the King's Ma^ties promeis; for ye, my Lords of Montroes, Arran, Sir Jhone Maitlād, Sir Robert Melvin, the Colnell, and the Captane of Dunbartone, came to me very oft and urget me w^th the declaratione of the truth in this matter. My answere was to yow, that I was not so bastlye as to pane my awin accusatione, nather woute I. Ye replyed, that be this meane the King shuld be ofended, and have the just cause of wrath against me, but for that tyme other ways ye could not psuad me to doe; at last yow come unto me shewing me that it stood not w^th his Ma^ties honor to capitulat w^t me, his subject, be writ; ye left me, and thene come agane, and suere unto me that the King's Ma^t suare unto you, that he haide granted me my lyfe, yf I would disclose the truth of these thinge wheirof I was to be demandet off. I yeilded unto the confession, and wreat all these pointes wherof I see my selffe now accused. Therefore this maꝑ should not be laid to my charg in the respect of the promeis." The Advocat said, it was not in the noblie mēs powar to ꝑmes lyf. "Yea" sayd he, "the King ꝑmissed unto thē, which they awoued unto me, be ther oath." "Ask them," sayes the Advocat. He inquired of theme, they denyed that such promeis was maid be the King to them, or by them to his L. "What! my Lorde, ye will not say so! Ye maid fayth to me be yowr ho^r, otheways. I refare it to yowr oth and consciance. I ame asurred ye will not dēny it." They sure it was not so. "This is a strange maꝑ," say my Lord, "that nather ꝑmis nor lawe awaill; yit my Lorde, I derect my spech unto yow all, and I pray yow [go] to the Kȳge to knew his mynd towarde me;" which they refused. Afꝑ consultatione then he prest every on severallie, and the Erll of Arrā himself; he could not prewaill.

Then the Clerk proceidit, accusing him that he [had] conferance with the Erll of Angus servant, the 7 of Apryll, to

whome he sent lykways his speciall depend^{t} M^{r} Patrik Whytlaw; the end and some was to troblie the cuntrie. "I deny it, yea I disuadit him, for I said, I knew they would bring no moe thene they woud doe at the first instant; and yet, why is it not lawfull that the noblie m$\tilde{e}$ may as$\tilde{e}$blie themselfs where they [will], seing ther lyf and lands put at by them who ar gredie of both, alswell as the burgasis? They ar in no worse cace th$\tilde{e}$ they." They accused him to have keipt his hous in most feirfull and wairfull manner, thrie houres af^{t} the sight of the Kingϱ comissione. "My Lord," said he, "I thoth that a $\mathfrak{p}$ticular wretting $\mathfrak{p}$cured and written by my eneme, was not of sufficient fors to derogat to the let^{t} of $\mathfrak{p}$tectione and the Kings great seall, and yet I obeyed. I hade bene long away before yf I had not bene stayed be the King, who directed one ouer to cause the skipper found suertyes, under pane of ten thousand LL., that he should not land ather in England, Irland, or Scotland, wich he could not doe, so when the wind was faire I was stayed, and when I could not mak saile I was aprehendit." The clerk $\mathfrak{p}$ceiding to the fyft point, accus$\tilde{y}$g him for conceling the tresonablie conspiraci, as he confesed himself, devysed against the Kings Ma^{tie} and the Quene his most darest mother, for the distructione of theme both, his answere was with this distinctione, "The concealing of it is no tresonne, but the revealing a benifeit, and it concernes no noble m$\tilde{a}$ nor uther $\mathfrak{p}$sone in this countre."

"Item, yow ar accused for wichcraft in c$\tilde{o}$fering wth sorrsorerϱ." His answere was, that he thoght they mened not to mew wth him, and schawin lykwise, that it is well knowen how he served his God. "This is no just accusatione, but a malicious slaud^{r}, and I knew be whome devysed. I will tell yow the truth. There come to me a ten$\tilde{a}$d of myñ, dwellyng by Dunkell, who speak with a womane asking him how I did, he answered, 'Well.' "No,' says sche, 'ther is some ill fallen to him that he knows not. The Kings fauor is withdrawen frome him, and be the ladie of Arr$\tilde{a}$; and yet the[r] may be remaid for it, yff my Lord list;' which I refused. Iff

the womã war heir, I would be cõtẽt sche wer brẽt, and I would be the first would cõfes to it. Yff ther be any wichcraft used, I thỹk it be more neir the court.' The sys beỹg called, and ther naẽs read, sic as the erll of Hũtlie, whom he excepted, because he was und^{o} xxv yearȩ, Ardgyll, Crafourd, Arrã, Montroes, Eglintone, Glancarne, Marchall, Doun, Saltoun, Ogilbye, [*a blank*] M^{r} of Alphingstone, and the Lard of Tillieberne, he desyred thẽ to purg them selfs by oth, that they gave no ꝑticulare advyce or cõfirmatiõ to the Kings advocat to accuse him. Every one sware severallie they did not so; thẽ it befell the erll of Arrã to speak: "Though yo^{r} L. think the name of a sudẽt infamous, yet I think it great glorie to have bene on. I cõfes, man, ye have bene a good frend to my fathers house, but in ꝑticular frendship I have bene as greatfull as ye have bene. I speak in presence of the gryt God. I loved yow alswell as my owin saull, and ye knew when ye [had] to do against the lord Oliphãt, how I cõꝑfited the Kings handwreit for the advancemẽt of your cause. As for the wreating off that cõmissione to aprehend yow, I will not deny it, seing it was donne be my maist^{r} desyr; for his Ma^{tie} estemỹg mor of me then of the comone sort, & reposỹg more fidelitie in me nor in them, he imployed me in that point, and hov thinks that I have done mor thene my dutie in this, I am to mãtaine the cõtrary, both be deidȩ of handȩ & word." So afꝑ the purgin himself, [that] he informed not nor gave cõsell to the Kings advocat in his cõtrare, he was admited to go on his assysse, yet, before he arose to go to the inner chamber wth the rest of the jurie, the erll spak the erle of Arrã, desyrỹg he would remẽber the good deed was done to him the last year in his house. The uther answered, It was not lawfull; "for, my lord, yow ar accused for tresonne, and I was no tretour; besydes, my lif was saif." The other smyled, and called for a drink at the syse depteur, wheir I herd him, being behend him, request a gẽtillmã cause his frendȩ conceall his death frome his wyff, till sche were of mor strength, being weikned throught chyld last

delyverie. The jurie reentring cõvicted him of four pointꝭ, to the 2, 3, 4, and fift, passȳg frome the first and last. His answere was, wᵗ a smylling cõtinãce. "My Lordꝭ, I am willing to lesse my lyf to bring the King cõtẽtmẽt, as I often before did hasord [it] to do him service, but the noble mẽ[1] who were upone my syse, in cõdemning me[2], hasord ther awen saulls, & se that my blood be not upone the Kingꝭ heid. The longer that I live I seuld ben involvidd in the great[er] care, and wreiped in the more miseryes ,and now fred from the fiere aferryes of the court, wherof I would [have] acquyted myself long syne, yf I could. I remit my advsars, and comit my reveng, to God. My Lord judg, the pointꝭ wherof I ame cõdemned ar but small oversightes, and so it will be knowin afᵗward, I pray you to mak not the maᵗ so haynous as to punishe it by the penaltie of forfaltrie. My sones ar in my landes, the seconnd is cõfirmed in all his rightes be the King's Maᵗⁱᵉ." The judg, excusing him self, because he was cõdemned of tresonne, so it behuved him to pronounce the ordinarie punishment, which beȳg pronũced, he said, "I pray God that my blood may satiat and astinguish the yre of the courteoures, and set this cuntrie at quyetnes;" so kissing his hand to those that were about him, and recomẽding him to them all, called for the minisᵗ, and wãt to his privat prayers, afᵗ to the scafold, and place of executione; which was cowered with lynȳg cloth, then sand, next cloth, then scarlet. Afᵗ a letill pausing, he speak in this maner, "Bretherin, this specticlie is mor comon then plesant unto yow. I ame cõdemned to die, and God is my witnes, I never ofendet his Maᵗⁱᵉ, neather do I ask Godꝭ merci for any offence that ever I did against him, and the Lord cõdame me yf I was not mor cairfull of his welfare thene I was of my owin wyf and childrine." Then afᵗ his pryerꝭ, he adrest him to the pepill, saying, that he forgot som thing to speik to them; quhilk was, that they wer māy bruitꝭ spred of him, that he shuld be the accuser of many noble mẽ, he pryed them not to belave such fals lyes;

[1] But the noble mẽ, repeated in MS. [2] He, in MS.

he accused none, he knew of none, but such as hadd takene the fault upon theme :" so bade the pepill fairwell, and lowsed his butones, knit w^th^ his own hande the handkurscher about his eyes, he disyred sir Robert Melvill to cõtent the hangmã for his clothes, and gave them to his page, so smylinglie put his head und^r^ the ax, and his body and blood, keiped in the scarlet, was put in the chest and cõveyed to his ludging. His head theraf̃ set to his shuld̃s, he was buryed besyd̃ my Lord Schanslare, my lord Glames, in Sterlinge; borne be the secretarie, sir Robert Melling, the Justice Clerk, and sir Robert Stewartt of Traquhair, the third day after his execution to his buriell.

I shall detain the Society with few remarks upon these papers. There are discrepancies between them, and it seems to me that they are of very different relative historical values. I see no reason to entertain any doubt of the substantial accuracy of the second and third. They are plain unvarnished narratives of incidents terrible in themselves and humiliating to human nature, but not inconsistent with the practices of the period, and borne out by many dark transactions in the legal annals of this country as well as of Scotland. They abound, also, in those little touches of minute observation which indicate infallibly that the writer was really present at the scenes which he describes: and that not only at the trial, which he himself states, but also at the execution. For example, he tells us that Gowrie, when he addressed the people from the scaffold, was standing "with his cloak about him;" it will be remembered that it was eight o'clock in the evening of a spring day in a northern climate. Again, he mentions that there was "a little pausing" on the part of Gowrie, after he came on the scaffold, and before he began to speak; and again, that "smilingly" he put his head under the axe. These and similar circumstantial details furnish, in a narrative of this kind, almost indisputable proof of actual presence, and afford a strong presumption against the supposition

that anything of importance escaped the notice of such a minute observer. In this respect there is a great dissimilarity between the first paper and the second and third. The former is totally deficient in that nice critical observation which is so obvious in the two latter, and especially in the third. Nor is the first paper free from other objections even of a more conclusive kind. The narrator tells us that Gowrie asserted the fact of the conversation between himself and Arran respecting the letter to the King, openly during his trial, and that when on the scaffold ready to suffer he recapitulated the circumstances before the whole people, "*in the self-same words* ye have heard it repeated." If so, how came a tale so extraordinary, and told with such singular minuteness, to escape the observant authors of the second and third papers?

Again, according to paper No. I., the letter to the king was written in Edinburgh. But the letter is printed by Archbishop Spottiswood,[1] and is dated "the last of April." At that time Gowrie was in Stirling, where he was kept three days, "having conference with sundry depute by his Majesty to confer with him."

Again. The fourth charge against Gowrie on his trial was, that according to his own confession contained in the questionable letter he had been party to a conspiracy, not only against the king but also against Queen Mary. The letter as printed by Spottiswood runs to the same effect. In the statements respecting the letter in the paper No. I., there is no allusion whatever to any conspiracy against Queen Mary.

Again, it is represented in the paper No. I., that after all proofs had failed, Arran, then for the first time, brought forward the alleged letter as containing evidence of Gowrie's guilt, and that upon proof of the handwriting of the letter the jury found him guilty. Everybody knows that such an incident is not in accordance with the ordinary course of legal proceedings. In Gowrie's case, certainly, the letter was not

[1] Hist. Ch. Scotland, p. 331.

produced as an after-thought. Gowrie was distinctly charged in his indictment with the confession contained in that letter. The substance of the indictment may be seen in Spottiswood,[1] and the fact is so stated in the papers Nos. II. and III.

Many other reasons might be assigned for believing that the paper No. I. is not to be literally depended upon. One is sorry to strike out from the catalogue of our authorities anything which would tell so well in an historical narrative, and which Mr. Tytler has made to tell so well in his History of Scotland. But the pretended *verbatim* report will not stand the test of the slightest critical inquiry. I have no doubt that it was founded in fact. But the dramatic character which was given to it is a mere amplification, an imaginary dressing up, of some hearsay report of the statement made by Gowrie at his trial. It is to be feared that many of our most piquant historical narratives are of the same character.

But, throwing aside the disputable facts, those which I consider to be proved are as follows:—That Gowrie was visited, when a prisoner, by Arran, accompanied by two of his brothers (that is, by Colonel William Stewart, who arrested Gowrie at Dundee, and a Captain Stewart, who was keeper of Dumbarton), and also by the Lord Montrose, Sir John Maitland, of Lethington, and Sir Robert Melville. They endeavoured to persuade Gowrie to make a confession. He refused. They came again and again. There was speech between them about a pardon if Gowrie would confess. They remarked that it was not for the king's honour to capitulate by writing with a subject. Gowrie still held out. They came again and told him something as from the king, which Gowrie construed to be a solemn promise of pardon. He then narrated all the facts within his knowledge, and even wrote them down. His written paper is printed by Spottiswood. It revealed nothing of moment but what had previously been made manifest by the capture of Stirling. It involved no one, save the lords who had been openly parties

[1] Hist. Church Scotland, p. 332.

to that action, and who had since found refuge in England. The probability seems to be that the promise of pardon was given. Gowrie's share in the conspiracy had evidently compromised his life. If he had been present at the outbreak, nothing could have saved him but success or flight. But his capture at Dundee before the outbreak rendered it difficult for his enemies to prove that he had been a party to the conspiracy. All the evidence upon the subject was with the lords who had escaped into England. It is scarcely to be conceived that, knowing this, Gowrie would have been so "beast-like,"—to use his own phrase,—so devoid of reason, as to put his life into the hands of his enemies, without he had received some clear assurance that his confession was not to be taken advantage of. Looking at the pertinacity with which a confession was sought to be obtained, it is probable that the King and his advisers expected that some great secrets would have been revealed. Disappointed at the result, and suspicious that Gowrie, according to the Scottish phrase, "had not made a clean breast of it," these unscrupulous men may have deemed that Gowrie's suspected insincerity released them from their plighted word. In whatever way they glossed over the matter to their own consciences, one fact is plain, that all the charges against Gowrie upon which he was found guilty, except that of defending his lodgings at Dundee (for which alone his life would scarcely have been sacrificed), were founded upon the papers which were obtained from him. Without them, for anything that appears, he could not have been found guilty.

Here, then, we come round to the point from which we started. This was the trick which was practised upon Gowrie. He believed that he had been entrapped by a solemn promise of pardon from the King. He went to the scaffold in the assertion of the fact. He prayed that his blood might not be upon the head of the King, but he committed his revenge to God. In this faith he died, and in this faith no doubt his children were educated. Brought up in seclusion in the depths

of the Highlands by their widowed mother—who was ill-used to a degree that is almost incredible—they would learn to view such a transaction harshly, and, not improbably, according to the retaliatory code of the rude Celts by whom they were surrounded. When they entered the world of Scottish politics, and approached the Court of James VI., they would see little, and hear little, respecting the character or the conduct of the King, which would tend to convince them that he was incapable of being party to such a deception. Smiled upon by Anne of Denmark, who had her favourites as well as the King, they would fall naturally into that party which thought worst and cared least about the King. The old feeling instilled in childhood would never be eradicated, and for my own part I can see nothing improbable but the contrary, nothing opposed to the truth of the Gowrie conspiracy but the reverse, in the supposition that, under such circumstances, and in the then existing condition of society, even after the lapse of sixteen years, "revenge for old Grey Steel's death" was one of the motives of the Gowrie conspirators.

OBSERVATIONS UPON CERTAIN DOCUMENTS

RELATING TO

WILLIAM, FIRST EARL OF GOWRIE,

AND

PATRICK RUTHVEN,

HIS FIFTH AND LAST SURVIVING SON.

COMMUNICATED TO THE SOCIETY OF ANTIQUARIES

BY JOHN BRUCE, ESQ., TREASURER,

IN A LETTER ADDRESSED TO SIR CHARLES GEORGE YOUNG, GARTER, F.S.A.

5, *Upper Gloucester Street, Dorset Square,*
14*th June*, 1851.

My dear Sir Charles,

When I some time ago addressed a paper to the Society of Antiquaries upon the subject of the death of William, first Earl of Gowrie, and the bearing of that sacrifice to injustice upon what I believe to have been the conspiracy entered into by his sons John and Alexander, in the year 1600, I was not aware that there exists, in the person of Colonel Stepney Cowell, a present co-representative of the last male descendant of that most unhappy family. Since the publication of my former paper, I have, by your kind introduction, been brought into acquaintance with that gentleman, whom I have found extremely zealous for the honour of his unfortunate ancestors. He takes an entirely different view of the Gowrie conspiracy from myself; but, with a liberality which proves the sincerity of his own convictions, as well as

his desire for the discovery of the truth, whatever it may turn out to be, he has not only allowed me to inspect his family papers relating to the Gowries, but has given me permission to make some of them the subject of an additional communication to the Society of Antiquaries.

Before I proceed to state the contents of these papers, allow me to allude to another subject connected with my former communication to the Society. It has been mentioned to me that it is thought that I must have overstated the miserable condition of Scotland under the domination of the Earl of Arran, A.D. 1584. It is doubted, I am told, whether it could possibly be true that Arran and his friends practised such iniquitous tyranny as I have attributed to them. "Surely," an eminent antiquary has remarked to me, "it is incredible, whatever your authorities may say, that any political party could have adopted a policy so entirely suicidal." The point thus raised is one of considerable importance, as well in reference to the main subject of my former paper, as in connection with the subsequent and more fatal Gowrie conspiracy in 1600. If the members of the dominant party did not conduct themselves with the tyrannous injustice which I have attributed to them, the intrigues of the friends of the first Earl of Gowrie for their overthrow, the movements which formed the excuse for his execution, and the subsequent conspiracy (as I consider it) of his sons, are all entirely unaccountable. But if we conclude, as I still think we ought to conclude, that the tyranny of the Earl of Arran was of the harshest and most selfish kind, conspiracies become natural instead of unaccountable. Borne down in Parliament by power obtained by bribery; unable to procure justice in the corrupted courts of law; Edinburgh, Stirling, Dumbarton, and the other strongholds of the kingdom, in the possession of their enemies, and hated as a stern and uncompliant party by the boy-king,—what wonder if the Protestants of the time had recourse to combinations which the friends of Queen Mary termed "conspiracies," or

if among the objects of their plots some appear to us, after the lapse of centuries, to be extremely difficult to be understood, if not to be almost incredible?

In my former paper I stated that Calderwood and Melville, Spottiswood and Keith, Bowes, Davison, and Hume of Godscroft, contemporary writers of all parties, described the conduct of Arran in terms which applied only to an almost unparalleled tyranny. After recomparing this statement with these authorities, I am not inclined to retract one word of it. All of them, in their several ways, bear out the following emphatic testimony of Melville:—

"Now the Erle of Arran triumphed, being chanceler and capten of the castellis of Edenbrough and Stirling. He made the haill subjects to tremble under him, and every man dependit upon him; daily inventing and seeking out of new faults against divers for their escheats, lands, benefices, or to get budis [gudis?]; vexing the haill writers and lawyers to make sure his giftes and conkissis. And sa many of the nobility as were in fear of their estates fled, and others were banished. He shot directly at the life and lands of the Earl of Gowry." (Melville's Memoirs, p. 324.)

In addition to the evidence I before adduced, I would beg to be allowed to fortify my statements by a letter which seems to have been overlooked even by Tytler and other painstaking historical writers. Dated from Edinburgh, 6th September, 1584, it was written by Davison, who at that time filled the arduous office of resident English ambassador in Scotland. It is addressed to Sir Christopher Hatton, and presents a minute picture of the state of the government of Scotland. The letter is too long, and its details too minute, to be read before the Society at this time, but I append it to the present communication, and would beg leave to direct attention to its contents. They are not the less valuable because proceeding from a statesman known to have been more candid than cautious. Davison represents the King's advisers as pursuing a course which is hurrying their master headlong into the

most imminent danger; the King himself being, in the meantime, personally animated by an implacable hatred of that Protestant party which, as Davison remarks, "in defence of his life and crown had hazarded their own lives, living, fortunes, and all that they have." Arran is described by Davison as one with whom neither fear of God nor respect of man prevailed. Urged on by his shameless and ill-gotten wife, he possessed an inordinate thirst for power and wealth; and gaining ascendency in the parliament by bribery and corruption, openly turned his power to the profit of his party. "They have forfeited," Davison says, "whom it pleased them, whose malice and cruelty spared not the poor innocent ladies, especially the Countess of Gowry, whom they used with the greatest inhumanity that may be, and have determined their revenge and rapine against the rest, whom they please to summon in the next session of parliament, where he (Arran) is to preside as viceroy, the King minding not to be present."

Such testimony from a witness, at once so competent and so credible, corroborates my former statement, and proves that if any excuse or vindication for a conspiracy to bring about a political change by violent means, can be found in the fact that the country was really suffering under a grinding and oppressive tyranny, the Ruthvens are entitled to the benefit of it.

I now proceed to the papers intrusted to me by Colonel Stepney Cowell:

The first of them is an original deed, under the hand and seal of William the first Earl of Gowrie, dated at the burgh of Perth, on the last day of February 1583, which I take to mean 1583-4. This document is now exhibited to the Society.

It appears in the paper No. III., which was printed in illustration of my former paper, that after the Earl of Gowrie had been found guilty, he addressed the judge who was about to pass sentence upon him as follows:—"My lord judge, the points whereof I am condemned are but small oversights, and so it will be known afterward. I pray you to make not the matter so heinous as to punish it by the penalty of forfaltrie.

My sons are in my lands; the second is confirmed in all his rights by the king's Majesty." In the paper No. II. the latter sentence reads thus: "My sons are in my lands many years since, and have all their rights confirmed by the king, and failing the eldest the second is to succeed, and is assigned to all my causes." The reply of the judge was that the Earl having been found guilty of treason, the customary consequences must follow the verdict.

The deed now exhibited may be one of the legal documents for carrying into effect the arrangement by which the Earl of Gowrie endeavoured to secure his sons in the possession of his lands. It empowers Patrick Gusythaw to surrender the lands and baronies of Ruthven and Dirleton into the hands of the king, in order that a new grant might be made thereof to the Earl's eldest son James and his issue male, and in default thereof to his said son's next male heir, but with a reservation of the life interest of the Earl himself, and the rights of Dorothy Stewart his spouse. A copy of this deed will be appended to this paper.

It is now exhibited as presenting, among its other claims to attention, an excellent autograph of the Earl, with an impression of his seal. The arms upon the seal are, quarterly, 1 and 4. Ruthven, 2. Cameron, 3. Haliburton, all within a double bordure. The crest is said to be a goat's head cabossed, issuing out of a crown. The supporters are two goats. The motto is DEID SCHAV.

The legend runs thus: S . VILELM . COMITIS . GOVRIÆ . DNI . RVTHVĒ . ET . DIRLTOV̄.

The other papers communicated to me by Colonel Cowell relate to that member of the family from whom he traces his own descent—Patrick Ruthven, termed by Mr. Craik in his excellent work, entitled 'The Romance of the Peerage,' "the last of the Ruthvens."

From the time of the Raid of Ruthven, in 1582, King James pursued every member of the Ruthven family with the most implacable dislike. It is said by those who would in-

duce us in the present day to think favourably of the character of James I., that, in comparison with his son Charles and his grandson James, he is entitled to the credit of having had a heart; that his lavish kindness to Carr and Steenie, however undignified and absurd, exhibited a warmth and geniality of disposition which more resembled the good-humour of the patron of Nell Gwynne than the stately coldness of Charles I. or the stern bigotry of James II.

This sacrifice of King James's possible good qualities, in order to obtain for him a reputation for mere simple kindliness, fails altogether in the instance of the Ruthvens. Towards them his conduct, from first to last, exhibited the unforgiving enmity which characterized his son Charles and his grandson James, in combination with a cowardice of which no one can accuse any one of his descendants.

On the conviction of the first Earl of Gowrie, in 1584, his lands and goods, in spite of the arrangement to which we have already alluded, were forfeited to the Crown. His widow pleaded for some little favour to be shown to her children, but in vain. Davison states, as we have seen, that she was treated, "with the greatest inhumanity that may be," and Hume, of Godscroft, relates that she was "basely and beastly used." She was a Stewart of the house of Methven, but to her and to her children they [that is, Arran and his friends] showed no respect at all, but treated her with incompassionate rigour and cruelty, for she, having come to intreat for herself and children while the parliament was sitting, and "having fallen down upon her knees before the king, was trodden under foot and left lying in a swoon."[1] Even a more powerful mediator was disregarded. Queen Elizabeth addressed a letter to James, which is full of honourable pity for the sufferings of this noble family. She reminded the King that the deceased Earl was one of the chief instruments in putting the crown upon his head, and that in defence of his Majesty's rights against the murderers of his father, Darnley, those of

[1] Hist. Ho. of Douglas, p. 387, ed. 1644.

his grandfather Lennox, and those of his uncle Murray, the Earl had lost many relatives and members of his clan, and had subjected his own life and estate to the greatest hazard. She earnestly solicited James's compassion towards the Earl's "poor wife and thirteen fatherless children." She reminded him of their innocency and their youth. She begged that, by their restoration to their father's lands, some monument of that ancient house might abide to posterity, and their name be not rooted out from the face of the earth through the private craft and malice of adversaries whose eyes could not be satiated otherwise than by the earl's death. Finally, Elizabeth appealed to James on the score of natural affection to his own, the Gowries, as she states, being "tied so near by kindred and consanguinity" to himself.[1]

During the ascendency of Arran all such pleading was in vain. Gowrie was executed on the 4th May, 1584. On the 10th of the following month, Davison mentions that the King's favourite was already in possession of "Dirleton, Cowsland, and Newton, all sometime belonging to Gowrie;" and on the previous sixth of the same month an order was made by the Scottish Privy Council "to inbring and deliver the escheat guidis of William sumtym Earl of Gowrie, to the Earl of Arran." When Arran fell, more merciful and generous counsels instantly prevailed. One of the earliest acts of the Protestant party, on its restoration to power, was to procure a remission of Gowrie's attainder. His dilapidated and forfeited honours were restored to his family by an Act of Parliament, dated the 10th December, 1585.

The first Earl left, as stated in Queen Elizabeth's letter, a widow and thirteen children. Five of them were boys. 1. *James*, the second Earl, born in 1557, died in 1588. 2. *John*, the third Earl, born about 1578; and 3. *Alexander*, born in January, 1580-1. These latter were the two brothers who were killed at Perth on the outbreak of the conspiracy in 1600. The fourth and fifth sons were *William* and *Patrick*,

[1] Bannatyne Miscellany, i. 106.

both children of very tender age at the execution of their father, the former being probably about three years old, the latter about as many weeks. On the explosion of their brother's conspiracy, William was about nineteen years of age, Patrick about sixteen, and both were at that time "at the schools" in Edinburgh under a private tutor. When the tidings reached Edinburgh of the terrible calamity which had befallen their family, these boys instantly proceeded to the residence of their mother at Dirleton, a distance of about ten miles from the Scottish metropolis. This was on the morning of the day after the explosion of the conspiracy. That same evening a man named Kennedy, a friend whom they had left behind at Edinburgh, contrived to let them know that messengers for their arrest were about to be dispatched by the King.

The young men fled instantly. Half an hour afterwards a band of horsemen, headed by the Master of Orkney and Sir James Sandilands, arrived at Dirleton to effect their apprehension. The Countess, long used to scenes of sorrow and the stratagems of pursuit and escape, received the messengers with calmness. She carried herself "soberly," says old Calderwood, until the messengers explained that it was the king's intention to commit her sons to the care of the chancellor, the Earl of Montrose, the grandfather of the loyal hero in the time of Charles I. This nobleman had been one of the jury who sixteen years before had condemned the Countess's husband. Upon the mention of his name she could restrain herself no longer. Bursting forth into a torrent of passionate reproach, she denounced the Earl of Montrose as a "fawse traitor and a thief," and protested against her "bairns" being consigned to the care of one who had had a share in the murder of their father. In the mean time "the bairns" were hurrying towards the Border. Their tutor from Edinburgh accompanied them. They procured disguised apparel, and travelled afoot across the most unfrequented districts. They left Dirleton on the evening of

Wednesday, the 6th of August; they threaded their way along the bye-paths of a country which must have been all on fire with the tidings of what had happened at Perth; and on the morning of Sunday the 10th they stole secretly into Berwick and presented themselves to Sir John Carey, the English governor. They entreated simply that their lives might be safe till the truth of their cause was known. The governor, a son of Lord Hunsdon, was overwhelmed with commiseration for the "poor gentlemen," and especially for the "old distressed good countess, whose case," he says, "is pitiable and lamentable."[1] He gave the young men shelter until he could hear from the queen, who permitted them to remain in England. For more than three weeks they lay concealed in Berwick, never stirring out of their chamber. Through the agency of their faithful tutor they managed to communicate with their mother, in the vain hope of obtaining some assistance in money from her. The country was so thickly set with spies, and she herself so closely surrounded by persons whose business it was to find cause of accusation against her, that she dared not send them help of any kind.[2] This was alleged publicly, but probably the assistance which they ultimately obtained from Sir John Carey came in some secret way from the Countess. From Berwick they travelled south on the 4th of September, and with Elizabeth's consent are said to have resided with their tutor for two years at Cambridge. In September, 1602, there is reason to believe that they secretly visited their native country. But penniless, houseless, and objects of continued hatred to King James, they returned to England, and were in England when the death of Elizabeth placed their royal persecutor on the English throne. No greater calamity could possibly have happened to these unfortunate young men.

The circumstances of King James's entry into England are well known. If his summary execution of a cutpurse at Newark was a poor indication of his acquaintance with the

[1] Secret Corresp. of Cecil, ed. Hailes, p. 161. [2] Ibid. p. 164.

laws of his new country, certainly the first of his proclamations that can be traced directly to his own authority by no means furnished a favourable indication of his personal character. The proclamation in question was issued from Burghley, where the King remained several days, on his road to London. It was dated the 27th of April, 1603. It contained, not an act of grace for the new subjects who flocked in crowds to welcome him, but an evidence that the king brought with him into his new dominions all the prejudices and the hatred which had been engendered by his long misgovernment of his ancient kingdom. The proclamation recites that the King was informed that William and Patrick Ruthen, as they were then termed, perhaps because the name of Ruthven had been abolished in Scotland by Act of Parliament, had crept into this kingdom with malicious hearts against the King, disguising themselves in secret places, uttering cankered speeches, and practising and contriving dangerous plots and desperate attempts against the royal person, whereupon his Majesty commanded all sheriffs and justices to arrest the alleged conspirators and bring them before the Privy Council. He also warned all persons against harbouring or concealing them. This proclamation is printed at p. 9 of the Book of Proclamations, fol. 1609. Mr. Lemon has furnished Colonel Cowell with a copy of it from a MS. draft remaining in the State Paper Office, which is corrected by the actual hand of Sir Robert Cecil.

William Ruthven made his escape. The whole family were distinguished for literary and scientific taste, to a degree so unusual in that age, that many of them were defamed as sorcerers. William Ruthven is stated to have been a chemist and a philosopher, and it is thought that he was that brother of the Earl of Gowrie who is mentioned by Bishop Burnet as having lived beyond sea, and respecting whom Burnet says, "it was given out that he had the philosopher's stone." (Hist. Own Times, i. 32, ed. Oxon. 1823.)

Patrick Ruthven was arrested under the King's proclama-

tion, and was conveyed to the Tower. Colonel Cowell has traced him as being confined there on the 24th June, 1603, and has obtained extracts from various quarterly bills of the Lieutenant of the Tower of London, preserved amongst the Public Records, which prove the payments which were made to the lieutenant on his account. I have annexed these extracts to the present letter.[1] It will be seen that when sent to the Tower an apartment was furnished for his use, and the following are the items which constituted probably the best kind of furniture in a prisoner's chamber:—"A bedstead, a bed, a bolster, a rug, blankets, sheets, and a canopye," for all which the sum paid was £5. 16*s.* 8*d.* For Ruthven's diet and other charges the lieutenant was allowed £3 per week. There were extra payments of 20*s.* per annum, for his washing; for his clothing about £10 per annum; and for a reader, whose name was John Floyd or Lloyd, there was a payment of £10 per annum. These, it will be remembered, were the allowances for the maintenance of a member of one of the noblest families in Scotland, a person near in kindred to the king himself, and heir presumptive of a very large estate, the whole of which was in the hands of the Crown.

In his confinement in the Tower, Patrick Ruthven languished without trial, or even accusation, for a period of nineteen years, the best years of his and every man's life, extending from about the nineteenth to the thirty-eighth year of his age.

During that long incarceration, only a few distant glimpses of the existence of this unfortunate man have been found. One of the most interesting has been supposed, but I think incorrectly, to have occurred at a comparatively early period of his imprisonment. I refer to a letter of a somewhat extraordinary character, addressed by Patrick Ruthven to Henry Percy, the ninth Earl of Northumberland, for many years his fellow-prisoner. Copies of this spirited and elegant composi-

[1] Appendix, No. III.

tion were formerly extremely common. There are several in the British Museum, and it is found in most extensive collections of MSS.[1] Amongst our ancestors it seems to have been regarded as a fine example of a bold and manly letter, and it may truly be considered as no less indicative of the spirit than of the literary talent of the writer. This letter, which, for convenience of reference, I have placed below,[2] although it has been printed in the Cabala (ed. 1654, supp. p. 106), was obviously addressed by a prisoner to a person at large. It must, therefore, have been written either between 1603, when

[1] It occurs in Addit. MSS. Brit. Mus. 1775, art. 7, and 4108, art. 69.

[2] *Mr. Ruthen to the Earl of Northumberland.*

My Lord,

It may be interpreted discretion sometimes to wink at private wrongs, especially for such a one as myself, that have a long time wrastled with a hard fortune, and whose actions, words, and behaviour are continually subject to the censure of a whole state; yet not to be sensible of public and national disgrace, were stupidity and baseness of mind; for no place, nor time, nor state, can excuse a man from performing that duty and obligation wherein nature hath tied him to his country and to himself. This I speak in regard of certain infamous verses, lately by your lordship's means dispersed abroad, to disgrace my country and myself, and to wrong and stain by me the honour of a worthy and vertuous gentlewoman, whose unspotted and immaculate vertue yourself is so much more bound to admire and uphold, in that, having dishonourably assaulted it, you could not prevail. But belike, my lord, you dare do anything but that which is good and just.

Think not to bear down these things either by greatness or denial; for the circumstances that prove them are so evident, and the veil wherewith you would shadow them is too transparent. Neither would I have you flatter yourself, as though like another Giges you could pass in your courses invisible. If you owe a spite to any of my countrymen, it is a poor revenge to rail upon me in verse: or if the repulse of your lewed desire at the gentlewoman's hands hath inflamed and exasperated your choler against her, it was never known that to refuse Northumberland's unlawful lust was a crime for a gentlewoman deserving to have her honour called in question.

For her part, I doubt not but her own unspotted vertue will easily wipe out any blot which your malice would cast upon it; and for me

Ruthven was thrown into the Tower, and November, 1605, when the earl became his fellow-prisoner, or between the 18th July, 1621, when the earl was released, and the 4th August, 1622, when the same happiness was shared by Ruthven. Looking at the terse, matured, antithetical vigour of expression which distinguishes the whole composition, I incline to the latter period. I cannot believe this letter to have been the composition of a comparative boy. The outrage against a lady in whose character Ruthven felt an interest, which is alluded to in this letter, probably occurred whilst the Earl was confined in the Tower, and the whole tone of the letter indicates a familiarity with the Earl and his character not likely to have been found in the composition of an imprisoned lad to whom the Earl could have been little known except by report, but not at all unlikely to have resulted from the intercourse which may have passed between them whilst both were prisoners in the Tower. We know that the Earl associated whilst in confinement with Raleigh, and had as his constant

and my countrymen, know (my good lord) that such blows as come in rime are too weak to reach or harm us.

I am ashamed in your lordship's behalf for these proceedings, and sorry that the world must now see how long it hath been mistaken in Northumberland's spirit; and yet who will not commend your wisdom in chusing such a safe course, to wrong a woman and a prisoner? The one of which cannot, and the other by nature and quality of the place may not, right his own wrongs. Wherefore (setting aside the most honorable order of the garter, and protesting that whatsoever is here said is no way intended to the nobility and gentry of England in general, which I doubt not but will condemn this your dishonourable dealing, and for which both myself, and I dare truly say, all my countrymen, shall be even as ready to sacrifice our bloods as for our own mother Scotland), I do not only in regard of our own persons affirm, that whatsoever in those infamous verses is contained is utterly false and untrue, and that yourself hath dealt most dishonorably, unworthily, and basely; but this I'll ever maintain. If these words sound harshly in your lordship's ear, blame yourself, since yourself forgetting yourself hath taught others how to dishonour you; and remember, that though nobility makes a difference of persons, yet injury acknowledgeth none.

PATRICK RUTHEN.

companions Hariot, Hues, and Warner, three mathematical scholars of the period, who passed by the name of the earl's "three Magi."[1] It is obvious from this letter, that in general intellectual power, and it will appear hereafter that in special acquirements as a man of science, Patrick Ruthven must have been a congenial companion in such society. It will be observed, also, that in this letter Ruthven speaks of himself as having "a long time wrastled with a hard fortune." Even in his case this expression would scarcely have corresponded with the gravity of the other parts of this composition, if written between the age of nineteen and twenty-one; but the expression acquires solemnity and depth of truth and feeling when taken as proceeding from a man of thirty-seven or thirty-eight, one half of whose existence had been passed within a narrow prison, in which, although ignorant of most of the stirring events of the world from which he was secluded, he must have been saddened not merely by the circumstances of his own mournful history, but by familiarity with such events as Raleigh's execution and Arabella Stewart's death.

Nothing is known respecting the lady who is alluded to in this letter. Some persons have conjectured that it was the Lady Arabella Stewart. I do not think it likely, under any circumstances; and those who are inclined to agree with me as to the probable date of the letter, must of course abandon that supposition, as Arabella died in 1615. It may relate to the lady whom Ruthven married—perhaps had married already. She was the widow of an English peer. It is difficult to conjecture how she and Ruthven became acquainted whilst he was in the Tower, and if this letter alludes to her, it adds to the mystery respecting her which will be commented upon hereafter.

On the 24th May, 1614, Ruthven was permitted to visit his sister Barbara, who was in London, and was thought likely to die, but he was to be accompanied by a keeper, who was to restore him safely to his place of confinement.

[1] Wood's 'Athenæ,' ed. Bliss, ii. 300.

In 1616, after the lapse of thirteen years, there is the first trace of his receiving a little additional comfort. Colonel Cowell has found amongst the Pell records an entry of a grant to Patrick Ruthven of an annual payment of 200*l.* "for apparel, books, physic, and such like necessaries," which sum was to be in lieu of the allowances previously made to the Lieutenant of the Tower on those accounts, but was to be over and above the allowances still to be paid to the lieutenant "for the diets of the said Patrick Ruthven and of his servant."[1] It may be that at this time his brother William was dead, which would make Patrick head of the Gowrie family, and give him an additional equitable claim for compassionate consideration at the hands of the King.

It was six years after this period before the doors of his prison were opened. Colonel Cowell has found the following memorandum on the Council Register under the date of the 4th August, 1622:—

"*At the Court at Windsor, 4th of August,* 1622.

"His Ma^tie having beene pleased to give order for the enlargement of Patricke Ruthen out of the Tower of London, his royall pleasure was this day further signified by M^r. Secretarie Calvert that the said Patricke Ruthen should remaine confined unto the Universitie of Cambridge, and within six miles compasse of the same, until further order from his Ma^tie; whereof this memoriall was comaunded to be entered into the Register of Councell causes, and a copie thereof sent unto the said Patricke Ruthen."

With liberty came new wants, and in the book of enrolments of letters patent for issues out of the Receipt of Exchequer, no. vi., fol. 95, under the date of the 11th September, 1622, Colonel Cowell has found an entry of a grant "to our well-beloved Patrick Ruthen, esquire," of an annuity or pension of £500, payable out of the Exchequer, for his life.[2] A

[1] Appendix, No. IV. [2] Appendix, No. V.

grant so considerable clearly confirms the inference that his brother William was at this time dead.

As a studious and inquiring youth, Patrick Ruthven had probably found the University of Cambridge a pleasant place of residence. On that account he may have selected it on his release from the Tower, but increasing age and the deadening effects of nineteen years' imprisonment, with the formation of new family ties and relationships, rendered Cambridge, with all its manifold attractions, inconvenient, or no longer agreeable to him. He petitioned the King for an enlargement of the condition which bound him to reside at Cambridge. His petition was considered, on the 4th February, 1623-4, in a council at which Prince Charles and Archbishop Abbot were present. New conditions were substituted for those which restrained his liberty at Cambridge, but the old jealousy of his approach to the Court was only in a very slight degree relaxed.

The following is the Council Minute on the occasion :—

"*At Whitehall, the* 4th *of February,* 1623-4.

Present:

The Prince his Highness.

Lord Archbishop of Canterbury.

Lord Keeper.	Lord Brooke.
Lord Treãr.	Lo. Chichester.
Lord President.	Mr Treãr.
E. Marshall.	Mr Comptroler.
Lo. Chambrlaine.	Mr Seĉ. Calvert.
Lo. V. Grandison.	Mr Chancellor.
Lo. Carewe.	Mr of the Roles.

"Whereas his Matie was heretofore graciously pleased to give order for the enlargemt of Patrick Ruthen from his imprisonmt within the Tower of London, and that he should remaine confyned to the Universitie of Cambridge, and within sixe myles compasse of the same, until the farther order from

his Ma^tie^, his royall pleasure was this day further signifyed by M^r^ Sec. Conway, that the said Patrick Ruthen, according to his humble suite to his Ma^tie^ on that behalfe, should be released of his confynm^t^ upon theis twoe condic̃ons, viz^t^. that he should come noe nearer to the court then he was p̃mitted by his said confynem^t^, and that he should not at any tyme seate himselfe in any place wher his Majesty should not lyke him to be resident, whereupon the said Patrick Ruthen haveing for the present named Somersetshire for his residence, his Ma^tie^ was pleased to approve thereof; and a memoriall hereof was co̅aunded to be entred in the Register of Councell Causes, and a coppie of the same sent unto the said Patrick Ruthen."

Whereabouts in Somersetshire Patrick Ruthven resided, or how long he remained there, is not known.

The next glimpse we have of him occurs in the proceedings of this Society, and is of peculiar value in this place, as giving the Fellows of the Society of Antiquaries something of a personal interest in Patrick Ruthven's name and character. In the admirable paper, contributed by our friend the Rev. Joseph Hunter to the 32nd volume of the Archæologia, upon Edmund Bolton's proposal, sanctioned by James I. in 1624, for the establishment of a Royal Academy in England founded upon the ruin of Archbishop Parker's, or the old Society of Antiquaries, there is printed, from a valuable MS. in Mr. Hunter's possession, a list of the persons who were to have been admitted what may be termed the first Fellows of such a Society; "a list framed, it is probable," remarks Mr. Hunter, "by Bolton himself, but sanctioned and approved by the King."[1] In that list we read the name of "Mr. Patrick Ruthin."[2] Mr. Hunter was at one time inclined to suppose that the gentleman alluded to was the eminent soldier who in after times became the Earl of Forth and Brentford; but I believe I may state that he now agrees with me in thinking that the

[1] Archæologia, xxxii. 142. [2] Ibid. p. 146.

person into whose fate we are at present inquiring is far more likely to have been the man. His after-history renders this more probable, but I could not pass by such an incident in the chronological place in which it occurs without a word of comment, which I hope will excite a deeper sympathy amongst the Fellows of the Society of Antiquaries on his behalf, and induce them to follow this inquiry to its end with undiminished if not increasing interest.

There is a lapse of sixteen years between the date of this incident and our next information respecting Patrick Ruthven. James I. had been long dead, and Charles was now engaged in that unhappy war with his Scottish subjects which led so directly to the troubles in England, when we find the heir of the earldom of Gowrie again using his patronymic Ruthven, or rather Ruthuen, for the 'u' is substituted for the 'v,' and described as of the parish of St. Martin-in-the-Fields, esquire, assigning £120 per annum, part of his pension of £500 per annum, to his "lovinge daughter Mary Ruthuen," of the same parish, "spinster."[1] This was on the 27th February, 1639-40, and its discovery was the first notice which was found of Patrick Ruthven's having been married. For a long time it was all that could be ascertained upon the subject. But information received very recently from a Scottish gentleman, well known for his skill in genealogical research,[2] has led to the establishment of the fact, that the wife of Patrick Ruthven was Elizabeth Woodford, second wife and widow of Thomas, first Lord Gerrard, of Abbots Bromley, in Staffordshire, who died when Lord President of Wales, in 1617.[3] Every step in this history is a mystery and a romance. How this "fair young lady," for such she is stated to have been at

[1] Appendix, No. VI.

[2] Alexander Sinclair, Esquire, of Edinburgh. The information was conveyed through Mark Napier, Esquire, whose interest respecting the history of Patrick Ruthven is increased by the circumstance that he was a fellow-student in chemistry and astrology with the celebrated Napier of Merchistoun, the inventor of logarithms.

[3] Harl. MS. 1423, fol. 56. Birch MS. 4173, fol. 588.

the death of her first husband, became known to the prisoner in the Tower, where they were married, or when—everything, in fact, relating to this portion of our narrative—remains at present altogether unknown.

This incident of Patrick Ruthven's marriage throws a gleam of sunshine across a few years of his melancholy story; but the light is given only to be withdrawn. His life was closed in sorrowful and congenial darkness. The probability seems to be, that Ruthven and Lady Gerrard were married within a year or two after the death of Lord Gerrard, and whilst Ruthven was still suffering imprisonment. In 1624, the lady died, leaving Ruthven a widower with three young children, two boys and a girl, if not more.[1] If he was still resident in Somersetshire, he probably now returned to London with his children. Mary Ruthven, his daughter, was in due time admitted to an office in the royal household, in the service of Queen Henrietta Maria. She is stated to have been a young lady of extraordinary beauty. Those who have seen her portrait, by Vandyke, at Hagley, may judge how truly that was the case. The assignment, by her father, of the £120 per annum, was evidently intended by way of marriage settlement, and shortly after it was executed, the exact date being as yet unknown, she was married, by the procurement of Charles I., to the illustrious artist Vandyke. Again the fates seemed smiling upon Ruthven and his fortunes, but it was only for a moment. In 1640, Mary Ruthven, then Lady Vandyke, paid a visit with her husband, perhaps a wedding trip, to his native Flanders. On the 1st of December, 1641, she gave birth to her only child, a daughter, who was baptized on the 9th of the same month, by the name of Justiniana, at St. Anne's, Blackfriars. This was the parish in which Vandyke lived from 1632 to 1641, occupying a house, as Mr. Cunningham has informed us, in his excellent Handbook of

[1] MS. Vincent in Colleg. Arm. She is said in some MSS. to have had six children, but that does not seem very probable if she died in 1624.

London, which was estimated, at a moderate valuation, as being worth £20 per annum. Mr. Cunningham has printed the entry in the parish register which relates to the baptism of Vandyke's daughter, in which there is a blank left for the name of the child's mother, and other entries which commemorate the burials of Jasper Lanfranck and Martin Ashert, two foreign servants of the great painter, who died in February and March, 1638. In the summer time, it may be added, Vandyke had a country lodging at Eltham.

His daughter Justina, Justiniana, or Justinian, which last is the name entered in the parish register, was born under circumstances of peculiar sorrow. Vandyke was subject to violent fits of illness, which were aggravated by some imprudences of living. One of his customary illnesses, perhaps increased by the public troubles, which seriously interfered with the practice of his art, fell upon him just at the time of his wife's confinement. During this illness, and three days after the birth of his child, he executed a will, in which he makes mention of his then "new born" daughter, and on the 9th December, 1641, the very day on which his little child was hurried to baptism, the great painter died, at the age of forty-three. He was buried, according to the direction of his will, on the north side of the choir of old St. Paul's cathedral, near the tomb of John of Gaunt. Increasing family troubles, the consequence of the public calamities, prevented the erection of any monument to his memory, and every trace of his interment was destroyed in the fire of 1666. Even in the midst of what ought to be an antiquarian paper, we may be allowed to glance for a moment at that lasting monument which he left behind him in his works. Of all the men of his day, how few united themselves more indelibly with the period in which they lived. How imperfect would have been our power of realizing or describing that period, without Vandyke's living delineations of the King and Queen, with the Herberts, the Wentworths, the Digbys, the Stanleys, the Howards, the Percys, the Seymours, the Villierses, and the

other worthies of that court and time so inimitably commemorated by his graceful pencil! His portraits constitute a monument which neither time nor fire can ever altogether destroy.[1]

When the public troubles threw the finances and the government of the country into confusion, Patrick Ruthven and his family were among the first to suffer. His pension fell into arrear, which put an end to his daughter's income as well as his own; there were no means by which the large sums due to Vandyke could be recovered: Lady Vandyke made a second and an imprudent marriage: she soon after died, and the valuable collection of Vandyke's paintings, works left on hand unpaid for or unfinished, the only property applicable to the maintenance and education of Ruthven's granddaughter, the little Justiniana, were removed, under pretended legal authority, from Vandyke's house in Blackfriars, by creditors of Lady Vandyke's second husband, Sir Richard Pryse. To sell these pictures in England was not possible. During the public disturbances such productions were wellnigh valueless, and the Court of Chancery would have interfered to prevent an open sale. To smuggle them out of the country was the only way of turning them to account, and, in spite of Ruthven's interference to the contrary, such seems to have been their fate. On the 25th March, 1644-5, Patrick Ruthven appealed upon the subject to the House of Lords. In his petition, which still exists,[2] he sets forth the claims of his "fatherless and motherless" grandchild, explains the legal subtleties by which the possession of the pictures had been wrongfully obtained, and prays the House to stay their exportation. The House made its order accordingly.

"Upon reading the petition of Patrick Ruthin, esquire, it

[1] Colonel Cowell has in his possession a portrait of Vandyke, painted by himself. It is the one which is distinguished by the inverted hand —the same which was partly engraved for Walpole's 'Anecdotes of Painting.'

[2] Appendix, No. VII.

is ordered, that there be a stop made for the present of the exportation of the pictures remaining in the possession of one Richard Andrewes, and that the party whom it concerns shall have a copy of the petition and return his answer thereunto, and in the meantime the property of the said pictures is not to be altered nor sold."[1]

This is the minute of the order as it appears on the journals; the actual order served on Andrewes states the circumstances more fully.[2] What ensued is not quite certain. Andrewes was served with the order, and probably came to some arrangement with the friends of the orphan, either undertaking to sell the pictures for them, or on some other terms which they consented to. Two years elapsed. Some of the pictures had been sold, but no money was forthcoming for the orphan. Andrewes's arrangements were now complete. The rest of the pictures had been exported, and Andrewes himself was preparing to follow them. A second appeal was in vain made by Patrick Ruthven to the House of Lords. Andrewes was sent for to answer for his contempt, but there is no record of his attendance. In all probability the bird had flown, and the pictures were lost to England and to Vandyke's daughter.[3]

The continuance of the public troubles, and the consequent suspension of his pension, entailed not merely difficulty but absolute poverty upon Patrick Ruthven. Colonel Cowell has found among the records of the exchequer a document, dated the 8th of May, 1648, by which Patrick Ruthven gave a security upon his pension of £500 per annum to Lettice Ellinsworth, or, as she signed her name, Illingworth, of Westminster, widow, for £80, which he stood indebted to her. On this paper are endorsed five receipts for small sums, amount-

[1] Lords' Journals, vii. 286 a. 25th March, 1645, 20 Car. 1.

[2] Appendix, No. VIII.

[3] Appendix, Nos. IX., X., XI., and XII. I am indebted to the kindness of W. J. Thoms, Esq., F.S.A., and to the permission of Sir John George Shaw Lefevre, K.C.B., the Clerk of the Parliament, for great facilities in the discovery and inspection of these important documents.

ing in the whole to £54, which she managed—we cannot tell by what importunity—to obtain under this assignment in the course of five years.[1] It may be inferred from these indorsements, and the beggarly payments thus made from time to time to Patrick Ruthven's creditor, that from the commencement of the Civil War, down to January, 1652-3, Ruthven himself did not in all probability receive anything at all.

The security to Mrs. Illingworth proves clearly that at its date, *i. e.* on the 8th May, 1648, not only was William Ruthven esteemed to be dead without issue, but that Patrick Ruthven had then assumed one of those titles which, under other circumstances, would hereditarily have belonged to him. He was at first described in this document as the "Right Honourable Patrick, Earl of Gowrie, Lord Ruthven." This was the description given of him by the scrivener who prepared the document, and endorsed it "The Earl of Gowrie's Assignment." When it came to be executed, Patrick Ruthven probably hesitated to sign himself "Gowrie." The words "Earl of Gowrie" were consequently struck through in the two several places in which they occur, the endorsement was cancelled, and Patrick Ruthven affixed his signature simply as "Ruthven," a title to which of course he was no more entitled than to that of "Gowrie;" nor could he have had a pretence for assuming either during the life of his brother.

It was when thus compelled to face poverty in almost its sharpest form, that the curious and scientific spirit which distinguished the whole of his family came to Patrick Ruthven's aid. For several generations the leading Ruthvens were not merely men of general talent, but men whose talent led them specially toward the study of those mysteries of chemical philosophy which ignorance and prejudice have too often confounded with sorcery and magic. A cry was raised on this score, by their political opponents, successively against Patrick, Lord Ruthven, and his son, the first Earl of Gowrie. Stress was laid, in the proofs given on the Gowrie conspiracy, upon

[1] Appendix, No. XIII.

a paper covered with unknown characters which was found in the pocket of the third earl. Bishop Burnet gravely records, as we have seen, that it was given out of Patrick Ruthven's elder brother William, that he "had the philosopher's stone." In all these cases, probably, the simple truth was, that the person alluded to was inclined to the study of chemistry, which in the then state of knowledge was invariably connected with alchemy. The same thing may be asserted of Patrick Ruthven,[1] and when necessity compelled him to endeavour to find bread by the exercise of whatever talent he possessed, he procured a degree, as is said, of doctor of medicine, and practised as a physician in London.

The last glimpse we catch of him as a living man exhibits him in this honourable character, but does not lead us to suppose that his practice was either extensive or remunerative. It occurs in the 'Aulicus Coquinariæ,' and is evidently a remark founded upon personal observation. It refers, as Mr. Craik thinks, to about the year 1651, and is amongst Sander-

[1] Since this was written, a very interesting proof of Patrick Ruthven's devotion to alchemical science has been laid before the Society by Thomas Wright, Esq., F.S.A. It is a MS. folio volume of collections, belonging to James O. Halliwell, Esq., F.S.A., consisting principally of extracts from chemical and alchemical works, selected and copied by the hand of Patrick Ruthven himself. Besides the evidence of handwriting, the authorship of the volume is proved, as Mr. Wright has pointed out, by the following heading to one of the articles:—"The coppie of D. M. letter writen to the Earle of ARG: contayninge the holl worke œnigmaticallie as he conceiued it firste out of the former wheels and sypher of Trithemius, and then made it with his owne handes: copied by me from the originall letter under D. M. owne hande. Copied, I saye, an. 1629, Octob. 2, per me, PATRICIUM RUTHUENUM." In another part of the same volume is a copy of a paper recording a conversation upon alchemical subjects, between Dr. Muller, the D. M. before mentioned, and the celebrated Napier of Merchistoun, in November 1607. This copy is stated to have been taken from a memorandum written by Napier himself, which was found after his death amongst his papers. In this conversation Muller treats Napier as a person "occupied in alchymie."

son's 'Additions to Bishop Goodman.' After mentioning some of the circumstances of Ruthven's imprisonment and pension, the writer adds, that, the latter failing, Ruthven "walks the streets, poor, but well experienced in chymical physic and in other parts of learning."[1]

The last scene of all, the scene which ends this and all other histories, was surrounded in the instance of Patrick Ruthven with a melancholy which well befitted the misfortunes of his life. The gradations of poverty and misery which he passed through it is now impossible to unravel. Probably he lived to look back upon the long years he had passed in the Tower—passed in the pursuit of favourite studies—as the happiest portion of his life. When death came to him, at the age of sixty-eight, it found this inheritor and representative of some of the noblest blood in Scotland, this cousin of the King, and as some think a possible claimant of the throne, the tenant of a cell in the King's Bench! He was buried at St. George's, in Southwark, as "Lord Ruthen," on the 24th day of May, 1652, and against the entry of his interment in the register are placed the letters K. B., which indicate the place of his death.[2] On the 13th March, 1656-7, letters of administration were granted of his effects, by the title of "Patricke Lord Ruthen, late of Scotland, but in the parish of St. George's in Southwark, in the county of Surrey, de-

[1] Another allusion to Ruthven's practice of physic has occured to me since the above was written. It is to be found in the Diary of Sir Henry Slingsby (Lond. 8vo. 1836, p, 48), under the year 1639. Sir Henry states that his wife, who was suffering apparently from some nervous disorder, after consulting many other medical advisers, made "some trials of Mr. Ruthen, a Scottish gentleman of the family of the Lord Gowers, who had made it his study in the art of physic to administer help to others, but not for any gain to himself."

[2] This fact was pointed out to me by the Rev. Joseph Hunter, ever ready to communicate out of his rich stores of information to every earnest inquirer. An extract from the register was procured for me by another equally kind and zealous friend, George R. Corner, Esq., F.S.A.

ceased," to his son, "Patricke Ruthen, Esquire,"[1] of whom nothing is known.

In conclusion, I would beg to point attention to the success which has attended Colonel Cowell's researches into the Public Records. The facts which he has derived from that source are but first-fruits, but they are sufficient to show what might be done for history and biography generally, if the records were rendered accessible by the abolition of fees upon literary searches. It is a little matter for a gentleman bent upon the investigation of a single question in which he has a personal interest, to pay the expense consequent upon the prosecution of such a narrow inquiry, even if it extends to many offices, but nothing of the kind can be done by antiquaries or historical investigators. They spend their lives in researches which are day by day recurring, which extend over large fields of investigation, and embrace a great variety of objects of inquiry. In such cases the payment of reiterated fees, however small, is out of the question; no man's purse can afford it; nor will inquirers of independent spirit submit to such a literary wrong. Who would or could refer to the MSS. at the British Museum, if he had to pay a shilling for every volume he consulted? The instance before us goes some little way towards showing what is the loss to our historical literature in consequence of this regulation of the Record Offices. But I trust a time is rapidly approaching when this great obstacle to historical inquiry will be removed.

Believe me, my dear Sir Charles,

Yours very sincerely,

JNO. BRUCE.

Sir CHARLES G. YOUNG, Garter, F.S.A.
etc. etc. etc.

[1] See Appendix, No. XIV.

APPENDIX

PUBLISHED WITH THE LAST PRECEDING PAPER.

No. I.

Letter from WILLIAM DAVISON *to Sir* CHRISTOPHER HATTON.
[Harl. MS. 291, fol. 143.]

SIR,—I knowe it can not but offer your honour argument ynoughe either to suspect my dewtie or to condempne my negligence, that in all the tyme since my cominge hither I have not written unto yow, the rather consideringe the devocion I have professed to bear yow, and the interest yow may lawfully chalenge in me. But as your honours good nature hath bine allwayes slow to prejudge or condempne your devoted poore friendes, so will yow, I doubt not, weighe my fault in the same even and equall ballance, assuring yourselfe that yf my restles busines here, growinge from the jealouse and unsettlett procedinges of this shaken government (which still withholdeth my frindes from resortinge openly unto me) did not geve me occasion and matter of continuall exercise in writinge to and fro, besides my ordinary dispatches home, which passinge wholy throughe my owne fingers, by reason of my want of one to do me that wayes some helpe, doth so occupie me, as it hath drawen an humor into myne eyes, which will hardly suffer me write att all, together with that I knowe ther is good watch layed at home by some favorers of the present alteracions here, to discipher amongest my friendes what race I have here to runne, which I confesse hath maide me somewhat the more skant of my lettres, for the respectes your honour can ghes. Besides that I doubt

not but Mr. Secretary dothe acquaynt your honour from tyme to tyme with as muche as he receaveth, and hath not forgotten to excuse me in your behalfe, as I have oft intreated him by my lettres. Yf, I say, thes and other unfeyned impediments did not excuse me, your honour might be assured that yow should have had no cause to complayne of my silence, and therefor beseche [you] to interpret my fault in the best parte, and assure yourselfe that, how negligent or slacke soever I appeare in ceremonies, yow shall still fynd me the same I have pretendid, without chaunge in my affection and devocion towardes yow.

Of the uncerten estate and procedings here I woot not what certenly to write unto your honour, other then that I fynd infinite appearaunces that this yonge kinges course, directed partely by the unassured compasse of his mother's counsell, and partlye by the immoderate affections of some here at home, dothe carye him headlonge to his owne daynger and hazard of his estate, which, exceedingly shaken by their late violent and tempestious fourme of procedinges, can not longe abide in the termes it is. He hath, since the chaunge at St. Androwes, continually followed fourth an implacable hatred and pursute agaynst all such as in defence of his lyfe and crowne have hazarded ther owne lives, living, fortunes, and all that they have, and now throwen himselfe into the armes of those that have heretofore preferred his mother's satisfaction to his owne seurtie, and do yet ayme at that marke with the apparaunt daunger of relligion (which hath alreadie receavid a greater wounde by the late confusions and alterations then can be easelye repayred) and hazard, both of the state att home, and common peace with ther interest [nearest?] neighbours abrode, agaynst whose quiett as thies alteracons have [been] specially directed, so may your honour easely ghese what we may looke for, yf the counsaile of ther oracle and indevour of her instrumentes may take place. The Frenchman, Fonteny, brother to de Naue, her secretary, who addressed hither bothe from her selfe and her frindes in

Fraunce, to renew the motion of ratefying the associacion heretofore sett abroche to interteyne her frindes and helpe forwarde the worke in hande for her reliefe, hathe insisted much upon that poynt of assotiacion, which the king pretendes to have no likinge of, diswaded, as Arrane woulde have us thincke, by him, who the rest of her frindes suspect to round a course to her disadvantage; but suche is the inconstancy and faythles nature of the man as it is hard to frame a certen judgment upon his actions, which I know ar suspect to the one side and other, especiallye since the metinge betwixt him and my Lord of Hunsdon, in the secret whereof the rest pretend an utter ignoraunce, notwithstandinge that the Arle of Rothes, the Lord Fleminge, the Secretary, and others of the consaile, attendid on him to the place of metinge, where, duringe the conference, they were driven to kepe the scout-watch in the open churchyeard, to ther disgrace, and proofe of the others discretion. It appeares ther is some great mistery in this trafficke, which they are so loth to discover, which I doubt not your honour hath longe er this found out; myselfe am maide a straunger to it by th'one side and other, althoughe otherwise acquaynted with more than they can well afforde me.

It is assured me that Armorer, my Lord of Hunsdon his servant (who as I heare is now at our court), brought the king at his last cominge in, duringe the parliament, both shertes, coyfes, handkercheffes, and other night-furniture very curiouslye wrought, but from whom your hono^{r} can ghess. A little before the metinge betwixt his lordship and Arane, he confessed unto me that the marriage betwene this king and the yonge gentlewoman in court yo^{r} honour knoweth, was the marke they aymed at, but, in the meane tyme, I am assured he maketh court elsewhere, as I thinke you can not be ignoraunt, some of them estemenge and usinge the one as a meane to draw on the other. Althoughe there be sufficient appearances on this side, that they ar rather imbraced as meanes to interteigne the tyme, and to make ther profite of that humor then of any sound affection, or good meaninge, to the one or

other, as I thinke my Lord of Hunsdon will fynd in conclusion, howsoever he be now fedd with the paynted promisses of him that, to serve his owne tourne, respecteth neither fayth, hono^{r}, nor common honesty. But herein I see the tyme onlye must make some men wiser. In the meayne while he enterteigneth the mocion of a mariage with Sweden, whither his brother William was purposely sent with Sir Andrew Keth, and hath sought to have a particular doinge with Fraunce, wheare it should seeme his credit is not great, the queenes frindes reposinge no confidence in his inconstaunt nature, albeit they have used him as a fitt instrument to wracke such as they hated, feared, and suspected most; and yet would he appeare to ronne wholly the course of Englande, to see yf by that meanes he may put of the storme he feared, and kepe out those whose entry with her majestyes countenaunce would easelye deprive him both of honour and lyfe.

It is incredible how universallye the man is hated of all men of all degrees, and what a jealousye is sonken into the heades of of some of the wisest here, of his ambicious and imoderate thoughtes, which they suspecte to reach beyond the kinges life in a degree the world dothe not yet dreame of, as your honour shall heare more hereafter, wherein, besides divers speaches faullinge out of his owne mouthe, some to myselfe some to others, of his lineall and lawfull discent to the arldome of Arrayne, and consequentlye to what soever right that house can clayme (as he understandes it) in this crowne, and of thentaylinge of the crowne by parliament (wherein yf the yonge duke be admitted the first place he chalengeth a seconde); his actions, as in recoveringe into his hands the principall strengthes of the countrye, with the whole munition, ordinaunce, jewelles, and wealth of this crowne; his usurped power and disposition of all thinges bothe in court, parliament, and sessions, at the appetite of him selfe and his good ladye, with many other thinges, do bewraye matter ynoughe to suspecte the fruictes of ambition and inordinate thirst of such rule, especiallye in suche a subjecte as neither

feare of God or respecte of man prevailes with all. Since his recovery of this castell, which he longe aspired to, and whiche to compasse he forged the bruite of a new conspiracye, accusinge the captayne, or at least such within the place as (beinge removed) he might the easelyer circumvent the captayne and effecte his desire, havinge suborned one Drommonde that was before presoner theare, to be the accuser and delater thereof for his purpose, there faulethe out no appeaurance of any such thinge in treuth, neither dothe he insist any further in the matter since he gott his desire, which the world thinckes was furthered by his wiffes art;—a woman generallye accused of sorcerye, and laden with the infamye of other vices. But the desire and expectation of all men here shall fayle them yf there new kingdome do continew longe.

In the last session of parliament—more gaynefull to them by ther briberye and corruption then honorable for the king or profitable for the estate,—they have forfeyted whom it pleased them; whose malice and crueltye spared not the poore innocent ladyes, especiallye the Countess of Gowrey, whom they used with the greatest inhumanity that may be, and have determined to prosequute ther revenge and rapine against the rest whom they please to sommon in the next session of parliament, where he is to preside as a viceroye (the kinge myndinge not to be present), havinge by acte in this last session full powre geaven to him and four of eche estate as his assistauntes, both to proceed in forfeyture of the rest sommoned, and to make new lawes at ther discretion, in a forme as odious as it is straunge to all men.

In this last session, amongest manye other compositions, for lawes and justice ar here marchaundable and prized at ther discretions, they restored the old Bishop of Dunkell (deposed longe since for popery and other vices) for the somme of 6000 marks Scottishe, suspended some and discharged others out of the sommons of forfeyture; so as, besides that praye they have maide of the forfeyted landes and livinges of Gowryes

and others, this parliament is thought to have yelded him and his wiffe in redye monye, at the least, 30000li Scottish, whereof they lett not to make ther boast, as yf all thinges were lawful that ar lustfull to them. He is on Thursday last departed from hence to Faulkeland, where they ar in deliberacion to dispatche the Mr of Graye, appointed by Arraynes procurement to be ambassadour to her majestie, but his departure [is] yet uncerten. This gentleman, besides that he is a knowen papist, a favorer of the French course [court?], a servaunt and pencioner of the queenes, and a suspected pencioner of the popes, hath himselfe confessed to have had at his comminge out of France a cupboard of plate geaven him by the Spanishe ambassadour resident ther, to the valewe of 5 or 6000 crownes, besides other gyftes from the Duke of Guise, and other the queenes frindes, and since his comminge home hath bine treasorer of such monie as was sent home by Ballandine as comminge from the queene, whereof I know where he weighed at one tyme 10000li reserved to the kinges owne use, besides his own parte, and that was els disposed amongest other of the courtiers to releve ther hungry appetites; out of which store he hath of late, by his owne confession, delivered at the queenes commaundement 300 to Fuliambe and his companyon, who fleeinge this last yere out of England have bine since interteigned with Huntley in the North, and of late at his fathers in Fife, as was likewise Nugent, the Irishe rebell, and his companyon. So as by the qualites of the person, with other circumstaunces, your honour may ghess what fruicte is to be gatherid of his ambassage, and what respect they have here to relegion, that employe men so qualified. He maketh great preparacion and taketh with him divers yonge gentlemen as vayne as him selfe. But hitherto I am not once made acquainted by him selfe either with his diett or his charge, my Lord of Hunsdon and they thinckinge it best to have it passe throughe no more hands than ther owne, to whom I freely yeld all the honour and reputacion that may growe thereof, wch I feare will not be

much when ther accoumpt is maide, but the end will crowne the worke.

And thus, havinge halfe blynded myselfe with writinge, and weryinge your honour with the redinge of a tedious and scribled lettre, wherein I have the rather punished my selfe to make some parte of a satisfaction for my fault passed, I do humbly recommend my selfe to your good favour, and your honour to God's good providence, whom I beseche to blesse youe wth the health and happenes both of bodie and soule. Edenbourg the 6th Septemb. 1584.

Your honours owne to be commaunded,

W. Davison.

Postscript.—The Erle of Argile is in great extremyty of sickenes and not like to live manye dayes, his death in the opinion of his friendes binge hastened by the greeffe he conceaveth to see the estate both of rellegion and common wealth of his country in daynger to be turned upside downe, by the unhappie course and counsaille which this younge kinge followeth.

(Indorsed.)—Scotland. Copie of a lettre to Sir Chr. Hatton, 6 Septemb. 1584. 26 Eliz.

No. II.

Deed of Procuratorship authorizing a surrender to the king of the lands and baronies of Ruthven and Dirletoun, in order that a new settlement may be made of the reversion thereof in favour of James, the eldest son of William, the first Earl of Gowrie.

Universis pateat per presentes, me Willielmum comitem de Gowrie dominum Ruthuen' et Dirletoun etc., fecisse constituisse creasse et solempniter ordinasse, tenoreque presentium facere constituere creare et solempniter ordinare, honorabiles viros et predilectos meos *magistrum patricium gusythaw de*

newgirdge[1] ac eorum quemlibet coniunctim et divisim meos veros legitimos et vironotabiles procuratores actores factores negotiorumque meorum infrascriptorum gestores ac nuncios speciales et generales, DANDO concedendo et committendo ipsis eorumque cuilibet coniunctim et diuisim meam plenariam liberam et omnimodam potestatem ac mandatum speciale et generale ad pro me et nomine meo (reverentia qua decet) flexisque genubus sursum reddend' pureque et simpliciter resignand' quiete clamand' et extra deliberand' TERRAS et baroniam de Ruthuen' cum turre fortalicio manerio molendinis multuris terris molendinariis salmonum et aliorum piscium piscationibus licet aut scitis annexis connexis partibus pendiculis tenentibus tenandriis et libere tenentium seruiciis earundem cum aduocatione et donatione capellaniarum de Ruthuen' et Tibbermure et omnibus suis pertinentibus; terras de Bullinbreych, Pitcarny, Cragingall, Ordondachye, Hardhanch; tertiam partem terrarum de Airlyweich; villam et terras de Cultrany; terras de Denngrene; dimedietatem molendini de Auchtirgavin, cum dimedietate multurarum et terrarum molendinariarum eidem incumbentium; totas et integras terras de Monydie, Banblair, Cragilmy, cum dimedietate molendini multurarum et terrarum molendinariarum hujusmodi; totam et integram tertiam partem dimedietatis omnium et singularum terrarum et baronie de Balligirnoch cum castro et fortalicio ejusdem, cum molendinis multuris terris molendinariis molendino fullonum eiusdem, cum tenentibus tenandriis et libere tenentium seruitiis integre dimedietatis hujusmodi; totam et integram tertiam partem terrarum et baronie de Abirnyte, cum molendinis multuris terris molendinariis molendino fullonum eorundem, cum tenentibus tenandriis et libere tenentium servitiis eiusdem; tertiam partem integre tercie partis terrarum et baronie de Forgundeny, cum molendinis

[1] The deed as originally prepared was intended to be directed to several persons. A blank left for the insertion of their names was ultimately filled up by the one name printed in italic. The grammatical alterations thus rendered necessary in the deed were not attended to.

multuris terris molendinariis tenentibus tenandriis et libere tenentium seruitiis integre eiusdem tertie partis, aduocatione et donatione capellanie de Forgundeny; omnes jacentes infra vicecomitatum de Pertht; tertiam partem terrarum et baronie de Segie, cum molendinis multuris terris molendinariis eiusdem, tenentibus tenandriis et libere tenentium seruitiis huiusmodi terrarum et baronie, cum omnibus et singulis partibus pendiculis annexis connexis outsettis et pertinentibus eiusdem jacen' infra vicecomitatum de Kynros; totas et integras terras et baroniam de Ballerno et Newtoun', cum molendinis multuris terris molendinariis tenentibus tenandriis et libere tenentium seruitiis huiusmodi; villam et terras de Cowsland, cum turre et fortalicio molendinis multuris aduocatione et donatione capellaniarum, tenentibus tenandriis et libere tenentium seruitiis eiusdem et suis pertinentibus, jacen' infra vicecomitatum de Edinburgh; totam et integram tertiam partem terrarum et baronie de Dirltoun', cum turre fortalicio manerio Brabryn park, Hickfeild, Mensles et Mensles mure, villam et terras de Dirltoun; tertiam partem terrarum de Bowtoun' in meo infeofamento ex antiquo content' cum molendinis multuris terris molendinariis licet linkis cuniculis cunicularis piscationibus tam in aquis salsis quam dulcibus, cum donatione prepositure de Dirltoun, cum tenentibus tenandriis et libere tenentium seruiciis totarum et integrarum antedictarum terrarum et baronie, cum omnibus suis pertinentibus jacen' infra vicecomitatum de Edinburgh et constabulariam de Hadingtoun'; tertiam partem terrarum de Hassintoun' et Haliburtoun,' cum molendinis multuris advocatione donatione capellanie de Haliburtoun, cum tenentibus tenandriis et libere tenentium seruitiis totarum et integrarum predictarum terrarum et baroniarum cum suis pertinentibus jacen' infra vicecomitatum de Bervik; In manibus illustrissimi principis Jacobi Scotorum regis sexti, domini mei superioris eorundem, omnes unitas annexatas et incorporatas in unam integram et liberam baroniam de Ruthuen' nunc et omne tempore affuturo nuncupand'. Et quod unica sasina capienda apud fortalicium

principale de Ruthven' se extendet et sufficiens erit sasina pro omnibus et singulis terris baroniis et aliis superius specificatis simili modo et adeo legitime sicuti specialis et particularis sasina apud quamlibet partem antedictarum terrarum et baroniarum capta fuisset, non obstante quod discontigue jacent, secundum meum infeofamentum et sasinam earundem. QUASQUIDEM omnes et singulas terras dominia baronias et cetera superius specificata, cum castris turribus fortaliciis maneriis molendinis multuris siluis piscationibus tenentibus tenandriis et libere tenentium seruiciis annexis connexis aduocationibus donationibus beneficiorum et capellaniarum partibus pendiculis et pertinentibus huiusmodi suprascriptis, unitas creatas et incorporatas in unam liberam et integram baroniam ut dictum est, EGO dictus Willielmus comes de Gowrie dominus Ruthven' et Dirltoun, etc', non vi aut metu ductus, nec errore lapsus compulsus aut coactus, sed mea mera libera et spontanea voluntate animo deliberato et matura deliberatione prehabita, In manus dicti domini mei superioris per has meas procuratoris et resignationis literas sursum reddo pureque et simpliciter resigno, ac totum jus et clameum proprietatem et possessionem que et quas in et ad easdem habui habeo seu quovismodo in futurum habere potero omnino quiteclamo imperpetuum, IN FAUOREM specialem Jacobi Ruthven' filii mei senioris et heredis apparentis heredumque suorum subscriptorum pro dict' domini mei superioris carta et infeodatione, Ipsiquidem Jacobo Ruthven' et heredibus masculis de corpore suo legitime procreantibus, Quibus deficientibus propinquioribus et legitimis heredibus masculis dicti Jacobi mei filii quibuscunque cognomen et arma de Ruthvenis gerentibus et portantibus, quibus omnibus deficientibus proquinquioribus et legitimis heredibus suis quibuscunque cum ipsis imperpetuum hereditarie permanentibus in debita forma danda et conficienda; RESERVATO tamen libero tenemento siue vitali redditu omnium et singularum terrarum dominiorum baroniarum et ceterorum superius specificat,' cum castris turribus fortaliciis maneriis molendinis multuris siluis piscationibus

tenentibus tenandriis et libere tenentium seruitiis annexis connexis aduocationibus donationibus beneficiorum et capellaniarum partibus pendiculis et pertinentibus hujusmodi suprascriptis mihi pro omnibus mee vite diebus; Ac ETIAM reseruato libero tenemento siue vitali redditu Dorothie Stewart mee sponse omnium et singularum superius specificatarum terrarum dominiorum baroniarum et ceterorum suprascriptorum in quibus ipsa de presenti astat infeodata, secundum suum infeofamentum et sasinam eorundem, cum rationabili tertia remanentium et ceterarum eorundem similiter pro omnibus sue vite diebus, casu quo me ante ipsam in fata decedere contingerit et non alias; ET DESUPER instrumenta et documenta necessaria capienda procuranda et leuanda, et generaliter omnia alia et singula facienda gerenda dicenda et exercenda que ad officium procuratorium in premissis de iure seu regni consuetudine dinoscuntur pertinere, et que egomet facerem seu facere potuissem si presens personaliter interessem; ratum et gratum firmum atque stabile habens atque habiturus totum id et quicquid dicti mei procuratores eorumue aliquis coniunctim et diuisim nomine meo in premissis rite duxere seu duxerint facien' sub hypotheca et obligacione omnium bonorum meorum mobilium et immobilium presentium et futurorum. IN CUIUS rei testimonium sigillum meum proprium unacum mea subscriptione manuali presentibus est appensum; apud burgum de Pertht die ultimo mensis februarii anno domini millesimo quingentesimo octuagesimo tertio; coram his testibus, Jacobo Melvill de Halhill, magistro Jacobo Herring preposito de Methuen', et Jacobo Drummond de Cairdneis.[1] GOWRYE.

No. III.

Among the records in the Public Record Office, Rolls House, and in the custody of the Master of the Rolls, pur-

[1] A memorandum is indorsed of livery of seisin on the sixth of March, 1583. This memorandum is much defaced by time, and, in many places, illegible.

suant to Statute 1 and 2 Vict. c. 94, to wit, in the miscellaneous papers of the exchequer of receipt (that is to say, the quarterly bills of the Lieutenant of the Tower of London), it is contained as follows:—

EXTRACTS.

The demaundes of Sir George Haruye knight, Lieutenant of the Tower of London, for the dyetts and other chardges of prysoners in his custodye for one whole quarter of a year, viz^{t}, from the feast of the nativity of S^{t} John Baptist 1603, vntill the feast of S^{t} Michaell Thearchangell next followinge, as hereafter is declared:—

PATRICKE RUTHUEN.

Imprimis. For the dyett and other chardgs of Patricke Ruthven from the xxiiijth of June 1603, vntill the xxixth of September next followinge, beeinge xiiij weeks, at iij^{li} the weeke . . . . . xlij^{li}

Item. For a bedstead, a bedd, a boulster, a rougge, blaneketts, sheets, and a canapye v^{li} xvj^{s} viij^{d}

Item. For his washinge and to the barber . viij^{s}

xlviij^{li} iiij^{s} viij^{d}

* * * * * *

Summa totlis . . . . cclxvij^{li} viij^{s} x^{d}

(Signed) T. BUCHURST.
E. WORCESTER.
RO. CECYLL. W. KNOLLYS. E. WOTTON.
L. STANHOPE. S. G. HOWME.
G. HARUY,
Lieuteñnt of the Tower.

EXTRACT from a like bill of Sir GEORGE HARUY for the quarter ending 25 December 1603.

* * * * * *

PATRICK RUTHEN.

Item. For the diett and charges of Patrick Ruthen, Esquier, from the xxixth of September 1603, vntill the xxvth of December

next following, being xij weekes and halfe, att iij^{li} a weeke	xxxvij^{li}	x^{s}	
Item. More for aparell and necessaries bowght for him this quarter as maye appeare		lix^{s}	vj^{d}
	xl^{li}	ix^{s}	vj^{d}

* * * * * *

Extract from a like bill of Sir George Harvy for the quarter ending 25 March, 1604.

Patrick Ruthen Goweries.

Item. For the diett and charges of Patrick Ruthen Goweries, brother to the Earle Goweries, during the tyme abouewritten, videt, for xj weeks, at iij^{li} the weeke .	xxxiij^{li}		
Item. More for the diett and other charges in the fleete of Patrick Ruthen Goweries for two weekes and a half, att iij^{li} the weeke	vij^{li}	x^{s}	
Item. More for apparell and other necessaries bowght for him this quarter as maye appeere		xxij^{s}	vj^{d}

* * * * * *

Extract from a like bill of Sir George Harvy for the quarter ending 24 June, 1604.

* * * * * *

Item. For the diett and charges of Ruthen Gowries, brother to the Earle Gowries, for thirtene weeks, att three pounds the weeke	xxxix^{li}		
Item. More for apparell and other necessaries bowght for him this quarter . .	iij^{li}	iiij^{s}	ij^{d}
	xlij^{li}	iiij^{s}	ij^{d}

* * * * * *

Extract from a like bill of Sir George Harvy (or "Hervy") for the quarter ending 29 Sept. 1604.

* * * * * *

Item. For the diett and charges of Patrick Ruthen, brother to the Earle Gowres, for foretene weekes, ended att the feast of St. Michaell Tharckangell 1604, att three pounds the weeke	xlij^{li}		Patr. Ruthen Gowres.
Item. For apparell bowght for him this quarter	iij^{li}	iiij^{s}	
Item. For his washing one yeere and a quarter, att xx^{s} a-yeere		xxv^{s}	
Item. To his reader Mr. Floyd, for one quarter, att x^{li} p anñ		l^{s}	
	xlviij^{li}	xix^{s}	

* * * * * *

Extracts from a like bill of Sir George Harvy (or "Hervy") for the quarter ending 25 Dec. 1604.

Item. For the diett and charges of Patrick Ruthen, brother to the Erle Gowres, from the feast of S^{t} Michaell Tharkangell 1604, vntill Xp̃mas next ffollowinge, being twellue weekes and half, att iij^{li} the weeke	xxxvij^{li}	x^{s}	Patrick Ruthen.
Item. More for apparell and washing, and other necessaries bowght for him this quarter		xxiiij^{s} viij^{d}	
	xxxviij^{li}	xiiij^{s} viij^{d}	

* * * * * *

Item. To John Lloyd, reader to Patrick Ruthen, for his quarterlie allowance, att x^{li} p anñ		l^{s}	John Lloyd.

EXTRACTS from a like bill of Sir GEORGE HARVY (or "Hervy") for the quarter ending 25 March, 1605.

PATRICK RUTHEN. Item. For the diett and charges of Patrick Ruthen, brother to Erle Gowres, from Xp̃mas 1604, vntill our Lady Daye 1605, next ffollowing, being thirteene weeks, att iij^{li} a weeke . . . . . xxxix^{li}

Item. More for apparell and necessaries bowght for him this quarter . . . iiij^{li} ij^{s} viij^{d}

JOHN LLOYD. Item. More to John Lloyd, his reader, this quarter, and for his washinge . . lv^{s}

xlv^{li} xvij^{s} viiij^{d}

* * * * * *

EXTRACTS from a like bill of Sir GEORGE HARVY (or "Hervy") for the quarter ending 24 June, 1605.

* * * * * *

PATRICK RUTHEN. Item. For the diett and charges of Patrick Ruthen (brother to Erle Gowres) from the Anuncac̃on of o^{r} Lady 1605, vntill the feast of S^{t} John Baptist next ffollowing, being thirtene weeks, att iij^{li} the weeke . xxxix^{li}

Item. For shooes and other necessaries, and for his washing, and to his reader Mr. Lloyd, this quarter . . . . iij^{li} ij^{s}

xl^{li} ij^{s}

* * * * * *

No. IV.

Also in Pells P. S. Book, No. 7, fol. 93^{b}.

Among the records in the Public Record Office, by virtue of the statute 1 and 2 Vict. c. 94, to wit, in the Inrolments of Writs of Privy Seal made by the Auditor of the Receipt of

the Exchequer, roll "F," entry "56," it is contained as follows:—

Irrotulamenť Breuiū sub priuato sigillo dñi Regis infra Thesaurū Recepť Scac'ij dicti Regis a Festo Pasche 1616, Anno Regni Regis Jacobi Anglie Francie et Hibernie decimo quarto et Scotie quadragesimo nono vsque ad Festum Pasche ex tunc proxime sequeñ 1617, Anno regni dicti Regis Anglie &c. decimo quinto et Scotie quinquagesimo.

Scilicet pro vno Anno Integro.

* * *

Patrick Ruthen, prisoner in the Tower, for apparell, books, &c. besides ye allowances paid to ye Lieutenant of the Tower for his diettes. cclī. p' annū. To com'ence from Midsomer 1616.

Payable quarterlie during his Mats pleasure. (Exr.)

James, &c. To the Trer and Vndertrer of or Exchequer that now are and that hereafter for the tyme shalbe greeting. Whereas wee have been pleased to grant, and by theis p̄nts doe grant vnto Patrick Ruthen, nowe prisoner in the Tower, a yearly allowance of twoe hundred poundes of lawfull money of England by the yeare for apparell, bookes, phisick, and such like necessaries; Wee will and coñand you of such our treasure as is now or shalbe from tyme to tyme remayning in the Receipt of or Exchecqr to pay or cause to be paid Patrick Ruthen or his assignes the said allowance of twoe hundred pounds by the yere ouer and aboue such other allowances as are paid to the Livetenant of or Tower for the diettes of the said Patrick Ruthen, and of his seruant; the said allowance of twoe hundred poundes per annū to begin from the Feast of the Nativitie of St. John Baptist last past before the date hereof, and soe to contynue quarterlie by euen porc̄ons to be paid to the said Patrick Ruthen or his assignes during our pleasure. And theis or lres shalbe as well to yow the Trer and Vndertrer of or Exchequr now being as to the Trer and Vndertrer of or Exchceqr that hereafter for the tyme shalbe sufficient warrant and discharge in this behalf. Given vnder our privie seale at or pallace of Westmr the sixe and twentith day of July in the foureteenth yeare of our raigne of England, France and Ireland, and of Scotland the nyne and fortith.

Ed. Clerke, depť Thome Clerke militť.

No. V.

Among the records in the Public Record Office, Rolls House, and in the custody of the Master of the Rolls, pursuant to statute 1 & 2 Vict. c. 94, to wit, in the Book of Inrolments of Letters Patent for Issues out of the Receipt of the Exchequer, belonging to the late Pell Office, No. 6, folio 95, it is contained as follows:—

PATRICK RUTHEN.

JAMES, &c. To the Treſ, Chauncellor, Vndertreſ, Chamb̃leins, and Barons of the Exchequer of vs our heires and succesſo^{rs} now being, and that hereafter shalbe, and to all other officers and ministers of the same court and of the receipt there, to whom it shall or may apperteine, greeting: Knowe yee that wee, for diũse good causes and consideracõns vs therevnto moving, of our especiall grace, certaine knowledge, and meere motion, have given and granted, and by theis presentes for vs, our heires, and succesſo^{rs}, doe give and grant

v^{c}li. p' annũ.

vnto our welbeloved Patrick Ruthen, Esquier, and his assignes, one annuitie or yearly pencon of five hundred poundes of lawfull money of England by the year; to have and to hould the said annuitie or yearly pencon of five hundred poundes to the

Duran' vita.

said Patrick Ruthen and his assignes, for and during the naturall life of him, the said Patrick Ruthen; to pceive, receive, and take the said annuitie or yearly pencõn of five hundred poundes of lawfull money of England, at the Receipt of the Exchequer of vs, our heires, and successors, out of the treasure of vs, our heires, and successors, from tyme to tyme, there to be and remaine, by the hands of the Treſ, Vndertreſ, and Chamb̃leins of the said Exchequer, or some of them, at the Feastes of St. Michaell tharchangell, the Birth of our

Ad iiij^{or} anni term'.

Lord God, the Annunciacõn of the blessed Virgin Mary, and the Nativity of St. John Baptist, by euen and equall portions to be paid; the first payment thereof to begin at the Feast of St. Michaell tharchangell now next ensueing: And to the end this our graunt may take the better effect, wee doe hereby for vs, our heires, and successors, require and comaund the Treſ,

Chauncellor, Vndertreſ, and Barons of the said Exchequer for the tyme being, and all other officers and ministers of the same court, and of the receipt of the said Exchequer for the tyme being, that they and every of them respectively to whom it doth or shall apperteine, doe not onely from tyme to tyme well and truely pay, or cause to be paid, the said annuity or yearlie pention vnto the said Patrick Ruthen or his assignes, but also doe give full allowance thereof, according to the true meaning of theis pñtes, our ℔res patentes sealed w^th^ our greate seale of England, bearing date at Westm̃ the fifteenth day of May, in the sixteenth yeare of our raigne of England, for restraint of paym^ts^ or allowances of penc̃ons or annuities, or anie thing therein conteined, or anie other restraint, declarac̃on, significac̃on, matter, or thing to the contrarie in anie wise notwithstanding; and theis pñtes, or the inrollm^t^ thereof, shalbe vnto all men whom it doth or shall concerne a sufficient warrant and discharge for the doing and executing of all and singuler the premisses according to the true intent and meaning of this our graunt, although express menc̃on, &c. In wittnes whereof wee have caused theis our ℔res to be made patentes. Wittnes our self at Westm̃, the eleaventh day of September, in the twentith yeare of our raigne of England, France, and Ireland, and of Scotland the sixth and fiftith.

xj^o^ Septem. 1622, a^o^. xx^o^. R. R^i^. Jacobj.

p ℔re de pri:Sigillo.

No. VI.

Among the records in the Public Record Office, and in the custody of the Master of the Rolls, pursuant to statute 1 & 2 Vict. c. 94, to wit, in the Book of Assignments and Powers of Attorney, of the late Auditor of the Receipt of the Exchequer, No. 4, folio 127^b^, it is contained as follows:—

PATRICK RUTHUEN, Esq^r^., to his daughter

Bee it knowen vnto all men by theise p̃ntes that I, Patrick Ruthuen, of the parish of St. Martin-in-the-Fields, in the county of Midd, Esq^r^. haue made, assigned, ordeyned, consti-

Mary Ruthuen for

tuted, and appointed, and by these p̃ntes doe make, assigne, ordaine, constitute, and appoint my loveinge daughter Mary Ruthuen, of the parish of St. Martin-in-the-Fields, in the Countie of Midd, spinster, my true and lawefull attorney and assignee for mee and in my name, but to the onelie proper vse and behoofe of my said attorney, to aske, demand, and receive at the receipt of his Ma^ts^ Exchequ^r^ of his highnes officers and ministers there for the time being yearlie and everie yeare for and duringe my naturall life the some of cxx^li^ p' annū. one hundred and twenty poundes of lawefull money of England, out of my yearlie penc̃on of fiue hundred poundes paiable vnto mee out of his Ma^ts^ said Exchequ^r^; and for so doing theise p̃ntes, together w^th^ the hand writeings or acquittances of my said daughter, testifyeing the severall yearlie receipts thereof, shalbe vnto all and everie his Ma^ts^ officers and ministers of the Receipt aforesaide a sufficient warrant and discharge in that behalf; In wittnes whereof I, the said Patrick Ruthuen, have herevnto sett my hand and seale the seaven and twentieth daie of February, Anno Dñi 1639; and in the fifteenth yeare of the reigne of o^r^ Soveraigne Lord Charles, by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c. PATRICK RUTHUEN.

Sealed and delivered in the p̃nce of
HENRY RADLEY.
THOMAS BRUCE, Apprentic̃ Geo. Hare, Scr.

VII.

To the Right Hono^ble^ the Lords assembled in Parliament.

The humble Petic̃on of PATRICK RUTHUEN, Esq^r^.

Sheweth,

Whereas S^r^ Anthony Vandyke did by his last will and testam^t^ bequeath vnto yo^r^ pet^rs^ daughter, being his wife, the one moietie of his estate, the other moietie unto his daughter the

grandchild of yo^{r} pet^{r}, and soe dyed, the relict afterwards marryed vnto S^{r} Richard Price, and is since likewise dead, who hath receaved wth her farr more then the moietie w^{ch} was left her by her former husband.

And whereas there were remaineing in the Blackfryers a collection of pictures and other goods as ꝑte of the estate of the said S^{r} Anthony Vandyke, and yo^{r} pet^{r} seing his grandchild fatherles and motherlesse, and having the concurr desires and order of S^{r} Richard Price for ꝑservac̃on of the said pictures to the behoofe of the orphant, to whome they truly belong as in ꝑte of her moietie of her father's estate.

Now soe it is that the said pictures are, wthout privity of any who had interest in them, or by any lawfull power (in this tyme of disturbance), removed from the house where they were left by S^{r} Anthony Vandyke into the possession of one Rich. Andrewes, who hath invyted all such as hee could finde S^{r} Rich. Price indebted unto to attach them in his hands, that soe beinge valued att an under rate, as customarily things are in that kinde, hee might haue theire promises that, paying to them the prizes they were valued att, he might thereby possesse them as his owne for the 20 ꝑ^{t} of their true value, which hee hath by such indirect wayes brought to effect, whereby the orphante is wholy vndone; and the said Andrewes, being a ꝑson of inconsiderable quality, to make sure his pray w^{ch} hee hath gotten, hath sent ꝑt of the said pictures beyond the seas; and vnlesse it pleaseth this hono^{ble} house to order the stay of the rest, hee intendeth im̃ediatly to send them beyond sea, there to make sale of them for his owne great advantage, and himselfe in all likelyhood will remayne beyond the seas, being descended of forrayne parentage, whereby no law here shall take hold of him to right the orphant.

Yo^{r} pet^{r} doth therefore humbly pray the order of this hono^{ble} House for staye in the exportac̃on of the pictures here remayning; and to requyre him not to alter the proꝑtie of those allready exported, w^{ch} hee confesseth as yet remayneth in him. And yo^{r} pet^{r} shall pray, etc.

25 March, 1645.

(Indorsed).—Patrick Ruthuen, Esq^r^.
Exp̃e.

No. VIII.

Die Martis, 25° Martii, 1645.

Upon reading of the humble peticõn of Patrick Ruthine, Esqr., desiring the preseruac̃õn of a collec̃õn of pictures, and other goodȩ, late in Blackefryers, hauing bin the prop pictures and goodȩ of S^r^ Anthony Vandick, deceased, and belonging to his daughter, an orphant (and grandchilde to the peticoner,) w^ch^ said pictures and goodȩ, being remoued from the place where they were left by the said S^r^ Anthony Vandicke into the possession of one Richard Andrewes, who endeavors to alter the property of the s^d^ pictures and goodȩ or to send the same beyond seas, to the wrong and prejudice of the said orphant: It is therefore ordered by the Lords in Parliam^t^ that neither the said pictures nor other goodȩ late the said S^r^ Anthony Vandikes, and possessed by the said Andrewes as aforesaid, shall be sould or the property of them be altered, nor transported into any forreyne parte untill the pleasure of this house be further signified; and that the said Andrewes shalle be serued with this order, and a copy of the said peticon, who shalle be heard touching the contents therof if he shall desier it.

Jo. Browne, Cleric' Parliamentor'.

(Indorsed).—Ord^r^; Lords house, ag^t^ Ric^d^ Andrewes.
Lo. Ruthuen.

No. IX.

To the Right Ho^ble^ the Lords assembled in Parliam^t^.

The humble petic̃õn of Patrick Ruthen, Esq^re^.

Shewing,

That whereas upon the petic̃õn of Patrick Ruthen, Esq^r^,

unto this ho^{ble} House, it was ordered that y^{e} pictures and goods late of S^{r} Anthonie Vandyke, and possessed by one Richard Andrewes, should not, for the reasons expressed in y^{e} said peticõn and order annexed, be sould or the property altered or be transported into forreigne partȩ untill the pleasure of this hono^{ble} House were further signified, and that the said Andrewes should be served with the said order.

Nowe soe it is, notwithstanding the said Andrewes hath been served with y^{e} said order, he hath in contempt therof transported beyond sea severall of y^{e} said pictures and goodȩ, and imbeseled and sould others and converted y^{e} moneyes to his owne use, to y^{e} apparent p̃iudice of the interessed in them, and in contempt of your Lo^{pps} order, whereof he had so plenary an informacõn, and doth intend forthwith to convey himself into forreigne parts, together wth y^{e} residue of y^{e} said goodȩ, as by the affid^{ts} annexed appeare, whereby the heire and executor of S^{r} Anthony Vandyke, being an infant and an orphant, will loose all y^{e} benefit due to her by the lawe and intended by yo^{r} Lo^{pps} former order.

Your peticõner therefore humbly desires that y^{e} said Andrewes may be called before your Lo^{pps} to aunswere suche his contempt as aforsaid, and y^{t} by yo^{r} Lo^{pps} order in further reliefe of y^{e} said infant, may put in security not to dep^{te} y^{e} realme untill he shall aunswere and abide such suits as shalbe comenced ag^{t} him for such his uniust dealing in y^{e} estate of the said infant.

And yo^{r} pet^{r} shall pray, etc.

PATRICK RUTHEN.

No. X.

WHEREAS by an order from the Lordȩ in Parlim^{te} bearing date the xxvth of March, 1645, commanding the serving of Richard Andrewes with the same, they, these deponents, Thomas Birkinhead and Deirick Hess, upon theire severall

corporall oathes say and depose that they the said deponents did serve the said Richard Andrewes, on or about the seaven and twentieth of March, 1645, by giveing him a true copy of the said order and shewing him the originall. And the said Deirick, one of the deponents, saith that he is credibly informed that the said Richard Andrewes intends to goe beyond the seas.

THOMAS BIRKHENED.
DIERICK HESSE.
uterq. jur. 23 die ffebruarij, 1646;
JOHN PAGE.

No. XI.

DIERICK HESSE maketh oath that he, this deponent, deposeth and saith that he has beene credibly informed and knoweth that Richard Andrewes hath, contrary to the order of the hon^bl House of Lordᵽ, bearing date the five and twentieth of March, 1645, transported beyond sea severall of the said pictures and goodᵽ in the said order mencõed, and hath disposed of others here within the kingdome, and doth refuse to give an accompte of the same.

DIERICK HESSE.
Jurat. 25° ffebruarij, 1646,
ROB^t AYLETT.

No. XII.

THE petition of Patrick Ruthen, Esquire, read against one Andrewes, and ordered, that the said Andrewes shall be sent for before their Lordships to answer his contempt. (Lords' Journals, ix. 37a. 26th February, 1646, 22 Car. I.)

No. XIII.

Among the records in the Public Record Office, and in

the custody of the Master of the Rolls, pursuant to Statute 1 & 2 Vict. c. 94, to wit, among the Original Powers of Attorney belonging to the late office of the Auditor of the Receipt of the Exchequer, it is contained as follows:—

Bee it knowne vnto all men by theis p̄sentes that the right hono^ble Patricke [Earle of Gowrie[1]] Lord Ruthven hath made, assigned, ordained, constituted and appointed, and by theis p̄sentes doth make, assigne, constitute, and appoint Lettice Ellinsworth of Westminster, in the county of Midd, widow, his true and lawfull attourney and assignee for him and in his name, but to th'only propper vse and behoofe of his said attourney, to aske, demaund, and receave at his Ma^ts Court of Exchequer, of his highnes' officers and ministers there, or such others whome it shall concerne, all that summe of four score pounds of lawfull money of England (w^ch he standeth iustly indebted vnto her) out of his pen̄c̄on of five hundred pounds per ann̄, or out of soe much thereof as shalbe from tyme to time ordered by the Committee of Revenue, the sum̄e of fifteene pounds at everie such paym^t vntill full satisfac̄on shalbe made of the said summe of fourescore pounds; and for soe doeing theis p̄sents together w^th the acquittance or acquittances of the said Lettice Ellinsworth shalbee vnto the said officers or ministers of the Exchequer, or any others whome it shall concerne, a sufficient warr^t and discharge in that behalfe. In witnes whereof he the said Patrick [Earl of Gowrie[1]] Lord Ruthven hath herevnto sett his hand and seale, the eight day of May, anno dom̄ 1648, and in the fower and twentieth yeare of the raigne of our Soveraigne Lord King Charles, etc.

Sealed and deliu̇ed in the p̄sence of

(Signed) Robert Greene. (Signed) Ruthuen (L.S.)

(Signed) Thom. Bruce, Scr̄.

The following receipts are written on the second page of the sheet:—

[1] The words within brackets have been erased.

Received by mee; Lettice Ellinsworth w^th^in named, of the Right Hono^ble^ Patricke Lo^d^ Ruthuen, by the hands of Thomas Fauconberge, Esq^r^, Receiuo^r^ Gen'all of the Publique Revenue, the soñe of twenty pounds in ꝑt of the assignem^t^ w^th^in written. I say rec^d^ . . . . . xx^li^

(Signed) Letties Illingworth.

Received more by mee, the said Lettice Ellingsworth, in further part of the assignem^t^ within written. I say receiued . . . . . xiij^li^

(Signed) Letties Illingworth.

Received more by mee, the above named Lettice Ellingsworth, in further part of the assignem^t^ within written, the some of tenn pounds. I say receiued . . . . . x^li^

(Signed) Lettis Illingworth.

xij^o^ die April, 1651.

Reĉd more by mee, the above named Lettice Ellingsworth, in further ꝑte of the assignem^t^ w^th^in written, the suñe of five pounds. I say receiued . c

(Signed) Lettis Illingworth.

The xviij^th^ of January, 1652.

Reĉd by mee, the aboue named Lettice Elingsworth, of Tho. Fauconberge, Esq^r^, Rec^r^ Gen'all of the Publique Reuenue, the suñe of sixe pounds, in further ꝑte of the assignem^t^ w^th^in written. I say reĉ . . . . . vj^l^

(Signed) Letties Illingworth.

(Cancelled indorsement:) The Earle of Gowrie's assignem^t^.

(Further indorsement): *Januar'*, '52. Lo^d^ Ruthuen's assignem^t^ to M^rs^ Ellinsworth: 34.

No. XIV.

Extracted from the Registry of the Prerogative Court of Canterbury, March 1656-7.

PATRICKE, LORD RUTHEN.

THE thirteenth day issued forth letters of administration to Patricke Ruthen, Esquire, the natural and lawful son of Patricke Lord Ruthen, late of Scotland, but in the parish of St. George's, in Southwark, in the county of Surry, deceased, to administer the goods, chattels, and debts of the said deceased, he being first sworn well and truly to administer, etc.

CHAS. DYNELEY,
JOHN IGGULDEN,
W. F. GOSTLING,
} Deputy Registers.

SUPPLEMENT.

I.

Abstract of the Deed of Procuratorship for Surrender to the King of the Lands and Baronies of Ruthven, Dirleton, etc., by William, First Earl of Gowrie.

[Printed in the Original Latin at p. 80.]

William, Earl of Gowrie, Lord Ruthven and Dirletoun, has made, constituted, created, and solemnly ordained, *Master Patrick Gusythaw, of Newgirdge,* his lawful procurators,[1] giving them, and each of them, full, free, and absolute power, for him, and in his name, with becoming reverence, on bended knees, to surrender the land and barony of Ruthven, with the tower, fortalice, manor, mills, multures, mill-lands, salmon and other fisheries, &c., with the advowson and donation of the chapels of Ruthven and Tibbermure; the lands of Bullinbreych, Pitcarny, Cragingall, Ordondachye, Hardhanch; a third part of the lands of Airlyweich; the vill and lands of Cultrany; the lands of Denngrene; a moiety of the mill of Auchtirgavin, with a moiety of the multures, and mill-lands; the lands of Monydie, Banblair, Cragilmy, with a moiety of the mill, multures and mill-lands; a third part of a moiety of the lands and barony of Balligirnoch, with the castle and fortalice; a third part of the lands and barony of Abirnyte; a third part of a third part of the lands and barony of Forgundeny, with the advowson and donation of the chapel of Forgundeny, lying within the shrievalty of Pertht; a third part of the lands and barony of Segie, lying within the shrievalty of Kynros; all

[1] See note on previous page 81.

Edw. Bib

the lands and barony of Ballerno and Newtoun; the vill and lands of Cowsland, lying within the shrievalty of Edinburgh; a third part of the lands and barony of Dirltoun, with the tower, fortalice, manor, Brabryn Park, Hickfield, Mensle, &c.; the vill and lands of Dirltoun; a third part of the lands of Bowtoun, within my feoffment from old time contained, with the mills, &c., fisheries as well in salt as in fresh water, with the right of appointment of the Bailiff of Dirltoun, with all tenants, services, &c., the said barony lying within the shrievalty of Edinburgh and the constabulary of Haddington, the third part of the lands of Hassintoun and Haliburtoun, with the donation of the chapelry of Haliburtoun, and the tenants, &c., to the said baronies belonging lying within the shrievalty of Bervik; into the hands of his most illustrious prince James the Sixth, King of Scots, the Earl's superior lord of the same, to be annexed and incorporated into one whole and free barony, now and at all future time to be called the Barony of Ruthven. And that one seisin only, to be taken at the principal fortalice of Ruthven, be sufficient for all and singular the lands, baronies, &c., above specified. All and singular which lands, domains, baronies, &c., above specified, with the castles, towers, fortalices, manors, mills, multures, woods, fisheries, &c., advowsons, &c., incorporated into one whole and free barony as aforesaid, the said William, Earl of Gowrie, Lord Ruthven and Dirltoun, led neither by force or fear, neither through error compelled or forced, but from his mere free will and pleasure, having had beforehand deliberate mind and mature consideration, into the hands of his said superior lord, by these his letters of procuration and resignation, DID purely and simply resign, and quit claim for ever, with all the right and claim, property and possession, which he had had, or in the future might have, in special favour of James Ruthven, his eldest son and heir-apparent, and of his heirs, according to the charter and enfeoffment of his superior lord to him the said James Ruthven and the heirs male of his body lawfully begotten, which failing to the nearer lawful heirs male of the

said James, his son, bearing the name and arms of Ruthven, all of whom failing then to his nearer lawful heirs whatsoever with them in perpetuity hereditarily to remain. Reserving, however, a life interest to himself and to Dorothie Stewart, his spouse, and agreeing to confirm whatsoever should be done by his said procurators.

In witness whereof his seal, with his signature under his own hand, are appended to these presents, at the town of Pertht, on the last day of the month of February, One thousand five hundred and eighty-three, before these witnesses: James Melvill, of Halhill; Master James Herring, Bailiff of Methuen; and James Drummond, of Cairdneis.

II.

PROCLAMATION FOR ARREST OF WILLIAM AND PATRICK RUTHVEN, 27TH APRIL, 1603. MINUTE CORRECTED BY SEC. SIR ROBERT CECIL.

[State Papers Dom. James I., vol. i. no. 50.]

Whereas the Kinges Ma^te^ is informed that William Ruthen and Paterick Ruthen, two bretheren to the late Erle of Gowrye (a dangerous Traytor to his person), have crept into this kingdome, with malicious hartes agaynst him, disguisinge themselves in secrett places, where he is informed that they doe not only utter canckered speeches agaynst him, but are practisinge and contrivinge dangerous plotts and desperate attemptes agaynst his Royall Person, for effectinge whereof ether by themselfes or by such as they can perswade and suborne thereunto, they leave noe meanes unessayed: Be it therefore knowne to all men by theise presentes, that for the speedy apprehension of theise malicious and dangerous persons, William Ruthen and Patricke Ruthen aforesayd, the Kinges most Excellent Ma^te^ doth straictly command and charge all and singuler, Shereffes, Justices of the Peace, Maiors, Bayliffes, Counstables, and all and every other His Highness officers within this his realme of England, that they, and every of them,

make all possible[1] diligent search and inquirye for the sayd malitious persons, William Ruthen and Patricke Ruthen, and to use all their best indevours, as well within all manner of libertyes as without, for the discovery, apprehension, and arrestinge the bodyes of them the sayd William Ruthen and Patricke Ruthen, and beeinge apprehended or arrested, forthwith speedily and without any delay to bringe them or cause them to be brought under sure and safe custody before some of His Highnes most honorable Privy Counsell, there to be proceeded with and ordered accordinge as justice shall require, and herein not to fayle, as they, and every of them, tender their dutye unto His Highnes, and will answeare to the contrarye at their uttermost perilles. And the Kinges most excellent Ma^ty^ doth moreover straictly charge and command all and every searcher, customer, or other Officer of any Port within this realme and all other His Highnes subjects of what nature, quality and condition soever he or they be, to whose howses or company[2] the sayd William Ruthen and Patricke Ruthen, or ether of them shall resort, or to whose knowledge, notyce, or understandinge it may come, where, or in what places, they the sayd William Ruthen and Patricke Ruthen shalbe, or into whose handes they shall come, to stay, apprehend, and arrest them, and to bring [them] before some of his [Majestie's] Privy Counsell, as aforesayd. Wherein, if any shall goe about to conceale them, or shall not reveale their aboade, if it be in their power to doe soe, His Ma^ty^ doth hereby pronounce, that he will for ever after hould them as partakers and abettours of their malitious intentions, for which they shall feele the waight of his heaviest indignation. And if at any tyme any subjectes of his, out of their dutye, shall discover the persons aforesayd, or their residence, and yet shall not fynde themselfes able to poursue them, His Ma^ty^ doth command them to call for the ayd and assistance of His Highnes officers, or any others his subjectes, whom His Ma^ty^ allsoe hereby straictly chargeth and com-

[1] "All possible," not in the copy in the Book of Procs., p. 10.

[2] "Or company," not in the Book of Procs., p. 10.

mandeth[1] to be aydinge and assistinge herein as they will answeare to the contrary at their uttermost perill.

Given at Burghley, the 27 day of April, 1603, in the first yeere of our Reigne.

III.

Translation of Letter of Gustavus Adolphus to King Charles I., in behalf of Patrick Ruthven.

The following paper was found by Colonel Cowell Stepney among the State Papers in the Public Record Office, and was communicated by him to 'Notes and Queries,' in which it was published on 9th August, 1856, 2nd Ser. vol. ii. p. 101. The original letter of Gustavus Adolphus has not been discovered, the paper here printed being a translation in the handwriting of G. R. Weckherlin, at that time a clerk, or Under Secretary, in the employment of the Government of Charles I. It has been doubted, whether this letter alludes to Patrick Ruthven, the brother of the second and third Earls of Gowrie, or to the other PatrickRuthven, who was long in the service of Gustavus Adolphus, and was created Lord Ruthven of Ettrick in 1639, Earl of Forth in 1642, and Earl of Brentford, in England, in 1644. The circumstance that the latter Patrick was long in the service of Gustavus Adolphus, seems *primâ facie* to render it likely that the letter applied to him, but, on the other hand, the terms in which the former honours of the family of the person sued for are mentioned are far more likely to be applicable to the son of the Earl of Gowrie, and this conclusion is strengthened by other circumstances. First, by a notice by Mead, in a letter to Stuteville ('Court and Times of Charles I.,' vol. i. p. 51), of the previous similar application which he states to have had relation to "Mr. Ruthven,"—speaking of him not as a soldier, whom he would have designated by his military rank, but as a layman and a person well known. Mead, it will be borne in mind, was a Fellow of Christ's College, Cambridge, the University to which Patrick Ruthven was confined on his release from the Tower. Secondly, the letter in question was written under peculiar

[1] "Doth also straitly charge and command hereby," Ibid. p. 10.

circumstances. In September, 1627, Charles I. sent the Garter to Gustavus Adolphus. The bearers of the honourable insignia delivered them to the Swedish hero on the 23rd of that month. The new Knight of "the Order" distinguished the event by conferring knighthood "with great honour and triumph" upon six of King Charles's subjects, four of whom bore rank in the Swedish military service. First in the list of these four stands "Patrick Ruthven, Colonel."[1] Within a fortnight after this event, Gustavus Adolphus wrote the letter in question, which was probably brought to England by the returning garter-bearers. There is nothing improbable, but the contrary, in the supposition that Sir Patrick Ruthven used his influence with the Swedish sovereign to procure his solicitation for the restoration to his hereditary honours of the head of the Ruthven family, and the consequent remission of the family proscription, in which Sir Patrick himself was involved; but surely there is a great amount of improbability in the supposition that Gustavus Adolphus, writing under the circumstances above alluded to, should mention the new-made knight simply as "Patrick Ruthven," without any allusion either to his bran-new honour or to his colonelcy.

"Gustavus Adolphus, by the Grace of God, King of Sweeden.

"Most excellent and most mightie Prince, Our most deare brother, Cosen and freind.

"Yo^{r} Maj^{te} hath giuen vs just occasion to rejoyce at yo^{r} frendship, hauing vpon Our intercession made by Our Counsello^{r} and Ambass^{r} Gabriel Oxenstern some Two yeares agoe, in the behalf of yo^{r} subiect Partrig Ruthuen, promised for our sake to restore him to his former condition. Therefore understanding that yo^{r} Ma^{te} beeing mindfull of that intercession, hath not onely admitted the said Ruthuen into Your presence, but also permitted him to kisse yo^{r} kinglie hand, and giuen him further hope withall, to obtaine his former hereditarie hono^{rs}, We could not but giue you many thankes.

"Now forasmuch as he hath his hope vpon the mutuall frendship and good correspondence as passeth betweene Yo^{r} Maj^{te} and Us, thereby to attaine Yo^{r} full grace, and to obtaine the splendo^{r} of his auncient house, and to maintaine the place

[1] Walkley's Catalogue of Knights, ed. 1652, p. 126.

and dignitie of his Ancestors, We againe entreat Yor Mate most kindly to vouchsafe, as he hath allready felt a good foundation by the premices of our request, so also that now he may perceiue, upon this our reiterated intercession, such an encrease of Yor grace, that at the last he may bee bound vnto Yor Mate for euer for an accomplishmt, and as it were for a new Life, by Yor munificence bestowed on his familie. And we asseure Yor Mate that whatsoeuer he shall receiue hereupon of grace and fauor, That We will so accept of, that We ourselves will endeaour vpon each occasion to deserue it. And he and his Whole familie shall without doubt for euer acknowledge Yor grace by all thankfulnes, praise, obedience, and service, &c. Giuen in our Camp at Wormdit, $\frac{6}{16}$ Octob. 1627.

(*Endorsed.*)

" $\frac{16}{6}$ October, 1627, from the Camp at Wormdit. The King of Sweeden vnto his most exct Mate in the behalf of Pardrig Ruthuen, that he may enjoy the former hons and dignitie of his predecessrs."

IV.

Patrick, Lord Ruthven, to Lord ——.

The original of the following letter is in the possession of Colonel Cowell Stepney. Of the persons mentioned in it, it may be sufficient to note, that " my Lord of Sterlinge " was Sir William Alexander, the poet, who had recently received that title; Lord Argyll was Archibald, the eighth Earl, and subsequently the first Marquis, beheaded in 1661; and the Earl of Nithsdale, was Robert Maxwell, the first Earl, in great favour with Charles I.

My Lord,

Befor I receiued your last letter, I had spoken with a friend of Mr Secretarie Windebankes, concerninge your freinds business; his answer was that in his iudgment it was to earlie yeat to make any such motione, vntill your friende had a whyll executed the place, and then he thought it would be seasonable

to require for him some allowance, therfor your Lordshipe may consider of it, and vpon your farder advertizment I shall proceed acordinge to your directione. As twichinge the other matter of Gallowa, I did diuers tymes speake with my Lord of Sterlinge, but he allways pretended forgetfulnes, and that he did not remember how that busines stood, wherfor I entreated my Lord of Argill to enquire of S^r^ Archibald Archishone, who answered that it was certaine that the Earle of Nidsdeal had demitted to the Kinges Maiestie the shirroushipe and steuardie of Anandeil, and that they were both annexed to the crowne, and could not be disposed of to anye, that he neuer hard of any stewardshipe of Gallowa, by it self, but supposed that it was included vnder the former and therwith annexed to the Crowne. This is all that I could possiblye learne in that particular. If ther be any other thinge wherin I can serue you in this countrie, I shall be verie glad to receiue your employments, and I trust, you shall ever find me a faythfull and cairfull agent in any thinge that concerns you. So with my best wisshes of your happines, and your noble Ladies, to whom I present my humble seruice, I rest,

Your Lordshipes
most affectionat vncle
to serve you,
RUTHNEY.

Weastminster, this 19 of Jun. 1639.

V.

AUTHORITY OF PATRICK RUTHVEN FOR A PAYMENT TO BE MADE OUT OF HIS PENSION. 4TH SEPT., 1650.

Worthy Sir,

I intreate you, out of the monie that is, or shalbee allowed unto mee by the honorable Com^ee^ of the Publique Reuenue, to paye vnto Antho. Tingle the sume of Three pownds and eight shillings; and this my note togeither with

his acquittance for the receipt thereof shalbee yo^{r} sufficient discharge. Given under my hand this 4th day of Septemb^{r}, 1650. RUTHUEN.

To M^{r} Thomas ffauconberge, Esq^{r},
Rec. gen^{e}rall of the Publique Reuenue.

Octauo Die April, 1651.

Rec^{d} by mee the within named Anthony Tingle, of Thomas Fauconberge, Esq^{r}, Rec^{r} Gen'all of the Publique Revenue, the sume of thirty shillings in p^{te} of the Assignem^{t} above written, I say rec^{d}. xxx^{s} ANTHONY TINGLE.

The xxvjth of January, 1652.

Receiued by mee, Anthony Tingle, of Thomas Fauconberge, Esq^{r}, Rec^{r} gen'all of the Publique Reuenue, the sume of Twenty Shillings in further p^{te} of the assignem^{t} wthin written, I say rec^{d}. xx^{s} ANTHO. TINGLE.

VI.

PETITION OF PATRICK, LORD RUTHVEN, AND SARAH HIS WIFE, TO THE PROTECTOR, OLIVER CROMWELL.

This curious paper was found a few years since among the manuscript collections of the Marquis of Bath, and with his Lordship's concurrence was communicated to 'Notes and Queries' (3rd Series, vol. iii. p. 3) by William J. Thoms, Esq., F.S.A. The paper which is in the possession of the noble Marquis is not the original petition, but merely a copy, which may account for some of the very peculiar blunders which occur in it. It is clear that the principal petitioner was ignorant of the leading facts of his own family history. Nothing but his poverty seems to have been plain to him. These mistakes are so extraordinary, that one would almost have doubted the genuineness of the document, but for the corroboration which it receives from the following circumstances:—I. It was found among papers of Bulstrode Whitelocke; and II. We find in Whitelocke's 'Memorials' (ed. 1732, p. 665), the follow-

ing entry :—" I spake to his Highness in favour of the poor Lord Ruthen, and procured that his petition should be referred from his Highness to the Council, for relief of the Lord." But even this partial corroboration adds to the mistakes respecting this petition, for Whitelocke's entry stands under the date of 3rd November, 1657.

" To his highness Oliver, Lord Protector of the Commonwealth of England, Scotland, and Ireland, etc.

" The Humble Petition of Patrick, Lord Ruthen, and Dame Sarah his Wife,

" Sheweth,—

" That the Petitioner is Grandsonne to John Earle of Glowry [*sic*], whose life, honour, and estate were sacrificed to the Courte pretence of a Conspiracy, and that in pursuance of that oppression, the Infancy and Junviency [*sic*] of the Petitioner's father suffered 19 years Imprisonment in the Tower of London till the late King was pleased to enlarge him with 500 li p^{r} Ann' out of the Exchequer, And in the Parliament of Scotland, 1641, restored him to the Barony Ruthven, which Pension, notwithstanding it were the whole visible provision the Petitioner's father had for the support of his family, yet the distractions of these times obstructed his due payment, and involved him into inevitable debts which cast him into prison, where he died, leaving the Petitioner and another Sonne in a very poore and lamentable condition; That your Petitioner, having never acted anything to the prejudice of your highness' interest, and there being neare 5000 li due for arrears to the Petitioner's father as by Certificate of the Auditor and Receiver gen^{l} of the Exchequer, And that by reason of your Petitioner's extreme poverty he might have long since perished had he not beene releived by his life [wife?] who is not able longer to contribute,

" The Petitioners most humbly beg your highness' Commisseration of their most sad condition, That your Highnesse would be pleased, if not to restore him to his familyes former splendour,

yet to such a subsistence as may not altogether misbecome the Quality of a Gentleman, Honor with Beggary being an unsupportable Affliction.

"And the Pet^rs as in duty bound,
"shall pray, etc.

"Oliver P. "Ruthen."

"Wee referre this Petition to our Counsell, desiring a tender and speedy Consideration thereof may be had.

"Whitehall, the 3^rd of November, 1656."

VII.

Note upon the subject of the dignities of Earl of Gowrie, Lord Ruthven and Dirleton, their Creation, Forfeiture, and Extinction.

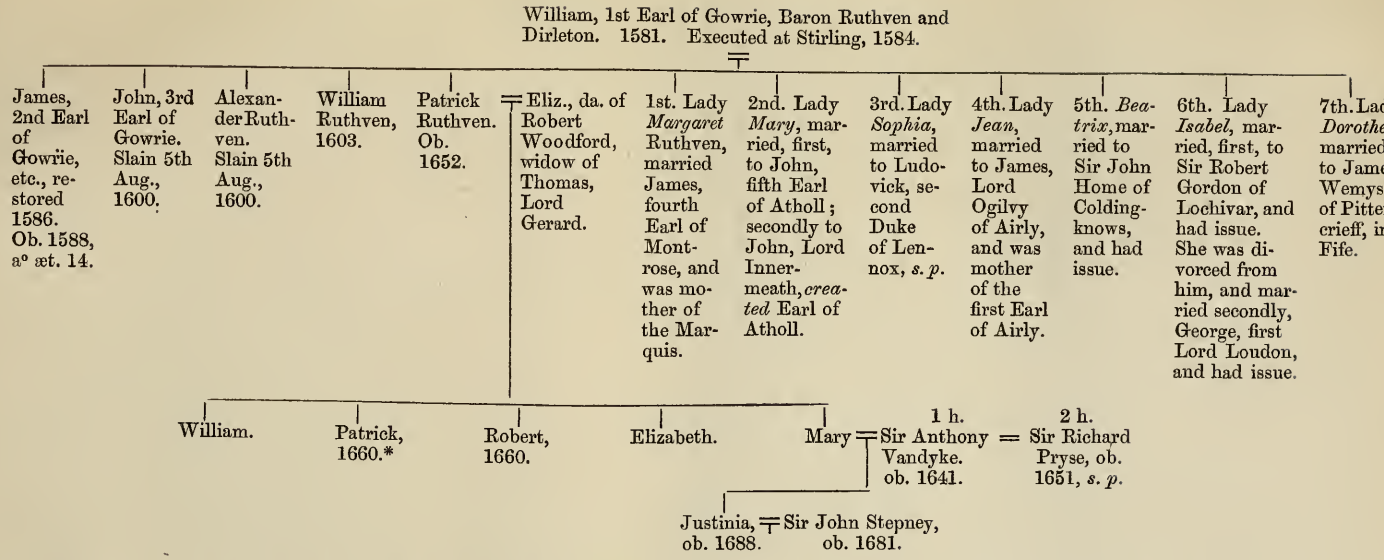
Douglas,[1] in his account of the Earls of Gowrie, states the creation of the Earldom to have been by Patent dated 23rd August, 1581, and on the 14th December following by the designation of William, Earl of Gowrie, Lord Ruthven and Dirleton had a Charter of the Lordship of Abernethy in Perthshire. He was, however, subsequently tried for High Treason at Stirling, 28th May, 1584, found guilty, and executed the same day; thereupon the dignities expired; but the king restored his eldest son James to his estates and honors in 1586, who dying in 1588 his brother John succeeded him, was confirmed by Act of Parliament in the Earldom and Baronies, 1592, and went abroad in 1594, but returning to Perth, 10th May, 1600, was killed 4th August following with his next brother Alexander in the enterprize so well known in Scottish History, and for which the two brothers were indicted for high treason, and by the Parliament, 15th November, 1600, pronounced to have committed manifest treason in all points charged against them, and therefore decreeing their

[1] 'Peerage of Scotland,' vol. i. p. 662.

name, memory, and dignity to be extinguished; their arms to be cancelled, their whole estate, real and personal, to be forfeited and annexed to the Crown, their bodies to be taken to the Cross of Edinburgh, and drawn, hanged, and quartered; the name of Ruthven to be abolished, and their posterity and surviving brethren to be incapable of succeeding to, or of holding any offices, *honors*, or possessions.

Thus it would seem that from the execution of the third Earl, and the declaration just cited, there was an extinction of the Earldom of Gowrie and other honors, since the brethren and their surviving posterity were rendered incapable of succeeding to or holding any offices, *honors*, or possessions.

It does not appear that either of the dignities were recognized as in existence in the Roll of Peers in Scotland at the time of the Union. Of the brothers of John, the third Earl, Alexander was slain with him 5th August, 1600, at the early age of nineteen years and attainted by Act of Parliament, 15th November following; of William, for whose arrest a proclamation was issued, 1603, nothing is known as to his having married or had issue; Patrick the younger, had by his wife, Elizabeth, daughter of Robert Woodford, and widow of Thomas, Lord Gerard, President of Wales, five children, three sons, viz. William, Patrick, Robert, and two daughters, Elizabeth and Mary. Of William nothing is known as to his having had issue, nor anything of Patrick, except that Patrick married in 1667 to Jane M'Donell, and Robert was living in 1660. Of the daughters, Mary only married, and was the wife of Sir Anthony Vandyke, the celebrated painter, and by him left an only daughter and heir, Justina or Justinia, born in 1641 and married Sir John Stepney, of Pendergast, and is now represented by Allan James Gulstone, Esq., and Colonel Cowell Stepney as coheirs of Mary Vandyke, and who would be equally coheirs and representatives of John, last Earl of Gowrie, if the three sons of Patrick Ruthven, who died, 1652, can be shown to have severally died without issue, though no other claim could then exist than representation of the blood of the ancient and distinguished race of Ruthven. C. G. Y. G^{r}.



* Extract from Parish Register of St. Martin's in the Fields, 1656, July 14th, "Patrick, Lord Ruthven and Sarah Head, both of this Parish, were married as aforesaide" (*i. e.* after three days' publication).

On the 9th September, 1667, a Licence was granted to Patrick Ruthven, of the Little Armoury, Westminster, about thirty-nine, and a Widower, to marry Jane M'Donell, of Ross, in Scotland, about forty-two, a Widow, at the Chapel at Knightsbridge, Middlesex, and where it appears by the Register that it was duly solemnized. (*Lic. in Faculty Office.*)

VIII.

Note upon a Relic of Ruthven Castle.

My dear Bruce,

In my town residence at St. George's Place, Hyde Park Corner, there is in a library a small book-case, the doors of which were formerly window shutters in an upper room of Old Ruthven Castle, near Perth.

After James the Sixth of Scotland and his courtiers had put to death John, the last Earl of Gowrie, with his brother Alexander Ruthven, he attainted the blood, confiscated the property, and prohibited even the use of the name of this family.

Further, his Majesty was graciously pleased to change even the name of the family abode from Ruthven Castle to that of Hunting Tower. The shutters were presented to me by the occupier of the Old Castle as a reminiscence of the families of the Gowries, Ruthvens, Hallyburtons, and Lords of Dirleton, and the arms of the Hallyburtons, who intermarried with the Ruthvens, are on the shutters.

I may here be permitted to remark, that at so distant a date, and in so rude a state of society as that of Scotland in the sixteenth century, it would be difficult to trace or attribute *correct* motives to the actors in this affair. The actions themselves, as far as they have been permitted to come down to us, are no doubt historically true. The King, accompanied by his followers, *did* of his own free will and accord, go to Gowrie House in Perth. His Majesty's "unprepared hoste" and entertainer *was* put to death by the hands of the King's followers and at the King's instigation. A *mêlée* ensued, arising either from false alarms or premeditated intention *of some* of the parties engaged. The result was the uprooting and complete destruction of a very ancient and historical family. The *innocent* as well as the guilty, if *any* such were amongst the Ruthvens, suffered alike, and equally fell under the Royal

ban. These, then, are the facts as far as they *have* reached us, although great care was taken in suppressing any version of the story beyond the King's own, in spite of which even the royal version at the time was disbelieved.

Without, therefore, attributing motives or preconceived guilt to either party, his Majesty at all events thought it perfectly *necessary* to give to the public some excuse from *himself* for the slaughter of this family, enacted in their own house when he spontaneously paid a visit to Gowrie.

This mysterious story never has been *satisfactorily* accounted for or cleared up, and probably now never will be.

It is fair therefore, to offer whatever I may know or believe of this *quæstio vexata*, but leave the convictions or impressions on the *motives* of the actors to be formed by those who may take the trouble to read a family detail as connected with an historical event.

Yours faithfully,

Stepney Cowell Stepney.

John Bruce, Esq.

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